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COMMITTEE PRINT

ECONOMIC ASPECTS OF  
PATENTS AND THE AMERICAN PATENT  
SYSTEM: A BIBLIOGRAPHY

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STUDY OF  
THE SUBCOMMITTEE ON  
PATENTS, TRADEMARKS, AND COPYRIGHTS  
OF THE  
COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE  
EIGHTY-FIFTH CONGRESS, SECOND SESSION  
PURSUANT TO  
S. Res. 236

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STUDY No. 14



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## FOREWORD

This bibliography, compiled by Julius W. Allen, of the Legislative Reference Service, Library of Congress, was prepared for the Subcommittee on Patents, Trademarks, and Copyrights as part of its study of the United States patent system, conducted pursuant to Senate Resolutions 55 and 236 of the 85th Congress. It was prepared under the supervision of John C. Stedman, associate counsel for the subcommittee.

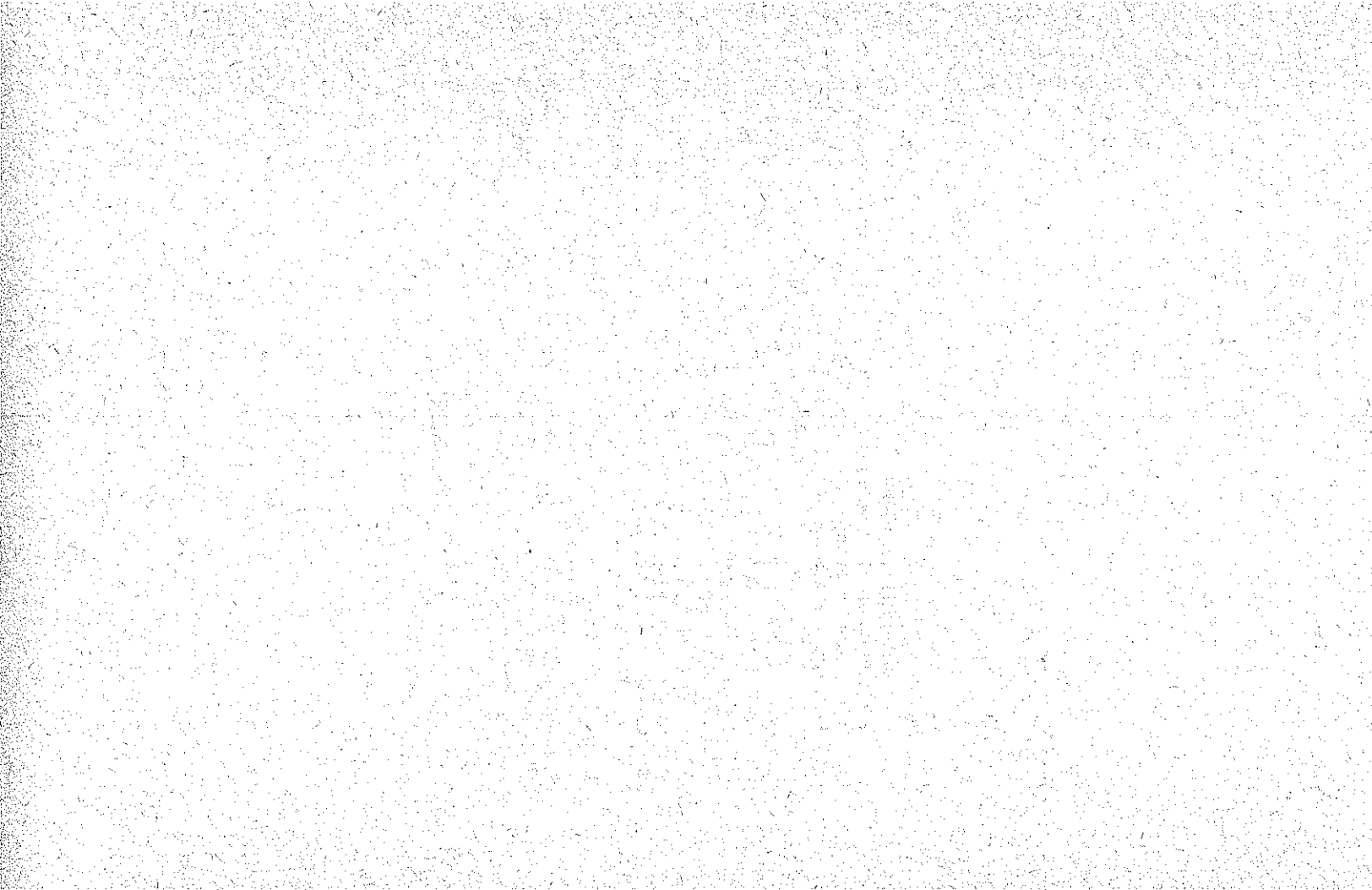
In recent years, the economic impact of the patent system has become an increasingly debated and controversial issue—and an issue that becomes more important and complex as technology burgeons, as the antitrust laws receive increasing attention, and as foreign trade expands in volume, intensity, and political significance. This collection of economic writings and references should provide a useful tool for those seeking to evaluate the current role of the patent system in the light of these modern developments.

This study is presented as the result of the work of Mr. Allen for the consideration of the members of the subcommittee. It does not represent any conclusion of the subcommittee or its members.

JOSEPH C. O'MAHONEY,

*Chairman, Subcommittee on Patents, Trademarks, and Copyrights,  
Committee on the Judiciary, United States Senate.*

JUNE 27, 1958.



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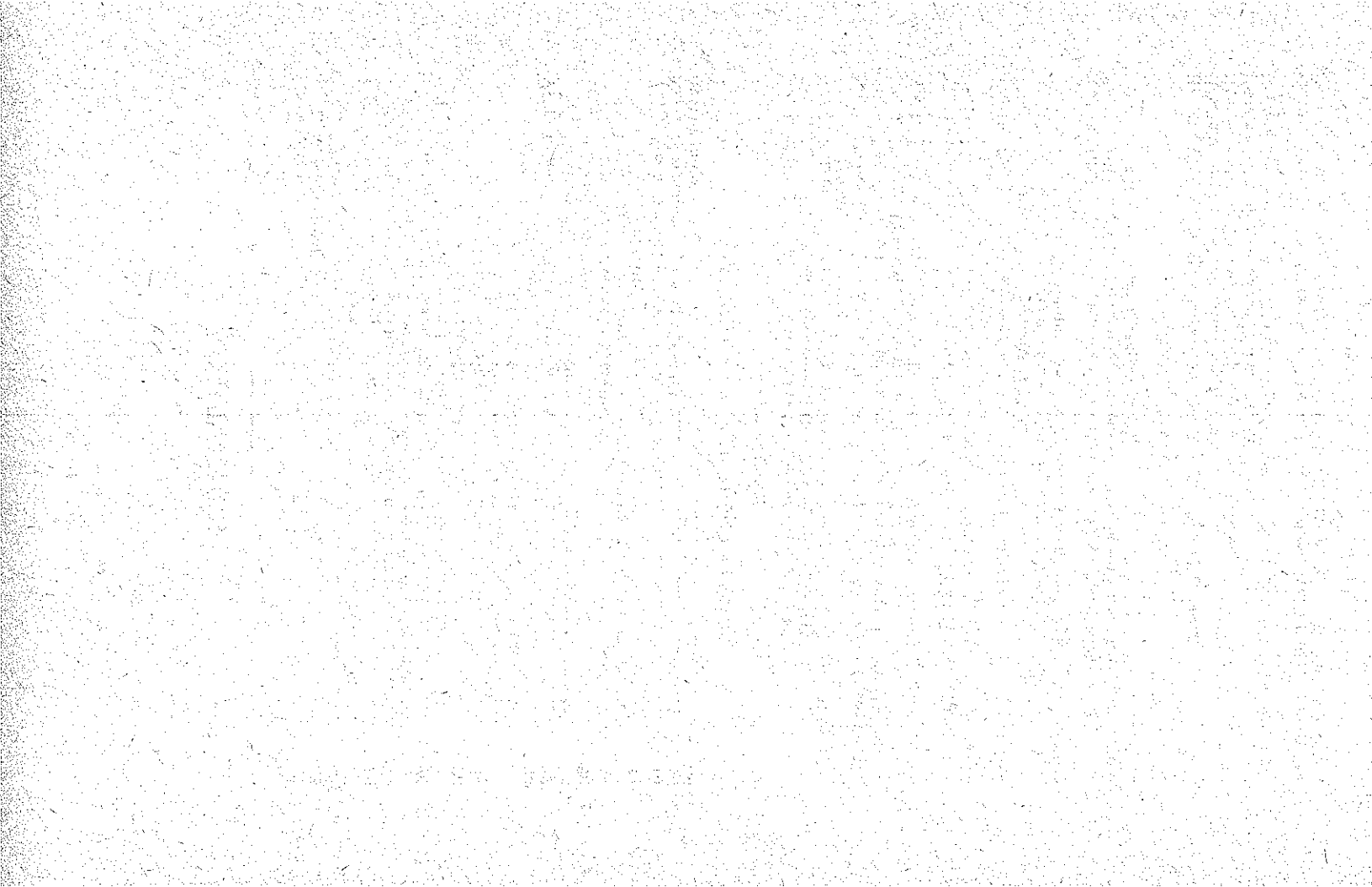
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- No. 2. Frost, The Patent System and the Modern Economy (1956).
- No. 3. Patent Office, Distribution of Patents Issued to Corporations, 1939-1955 (1956).
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Report, Patents, Trademarks, and Copyrights (S. Rept. No. 72, 85th, 1st, 1957).  
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# ECONOMIC ASPECTS OF PATENTS AND THE AMERICAN PATENT SYSTEM: A BIBLIOGRAPHY

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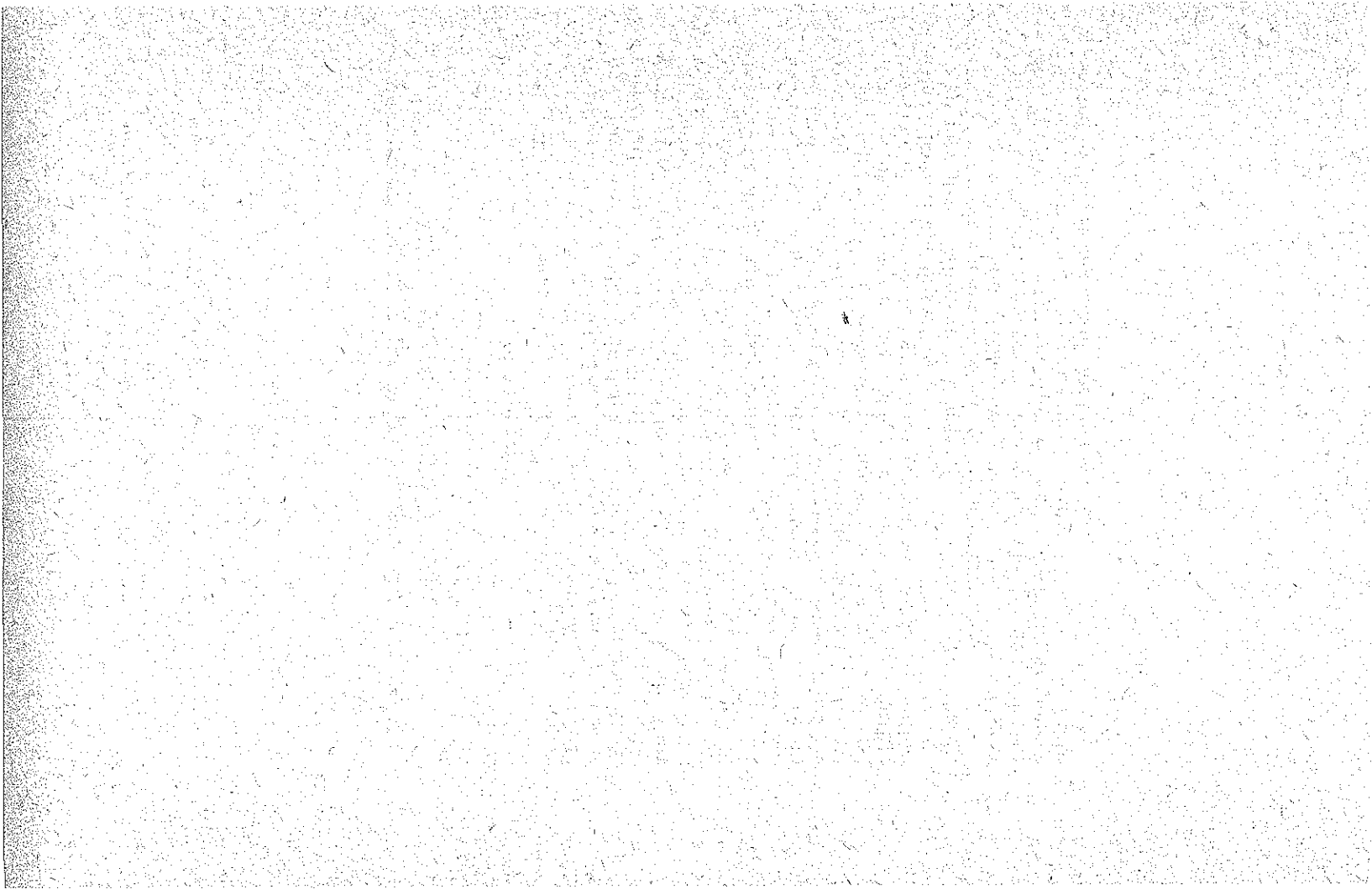
## INTRODUCTION

It is the intent of this bibliography to serve as a guide to the more significant literature on the various economic aspects of patents and the patent system of the United States. Emphasis has been put on the more basic works published in the 20th century, and on current items, particularly those of recent legislative interest. The following categories of materials have, for the most part, been omitted: Most law-journal articles dealing with legal or procedural aspects of patents; legal cases; guides to inventors and others on patent-application procedures and related patent problems; and the briefer, less substantial items in the daily and weekly press.

Items in the first group (I. General) include all those dealing significantly with two or more of the subsequent topics. A certain amount of overlapping of subjects is unavoidable. Every effort has been made to place each item into the subject category where its major emphasis lies. Cross-references are suggested at the beginning of several of the parts of the bibliography, indicating where further items on the subject of the part in question may be found. An author index follows the bibliography.

No new items issued after December 1957 have been included, except for certain studies prepared for this subcommittee.

The compiler gratefully acknowledges the assistance of Dr. S. Colum Gilfillan for suggesting numerous items included herein, and of Rollin Bell, Jr., Warren W. Scott, and John W. Walker, all of the Economics Division, Legislative Reference Service, Library of Congress, who ably assisted in the preparation of this bibliography.





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A report of the policies, practices, and procedures of higher educational institutions in the handling of patentable results of scientific and technological research. All but the first 27 pages deal with statements of 227 individual educational institutions. A 168 page preliminary report on the same subject was prepared in 1948 by Archie M. Palmer under the title "Survey of University Patent Policies."
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Factual data on the organization and policies of nonprofit research and patent management organizations in the United States, including educational institutions. Includes previously published information, plus data on the types of research undertaken, patents obtained and their subject matter, licensing policies, and royalty income.
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51. **PATENTS AND ECONOMIC PROGRESS** (a radio discussion by Wilber Katz, Edward Levi, and Robert Wilson). *University of Chicago Round Table*, January 12, 1947, No. 460, 21 pages.  
A popular discussion on how patents can promote and how they may retard economic progress. Includes a brief bibliography.
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The first half of the article is a discussion of the Hartford-Empire case and compulsory licensing. The second is a critical evaluation of the patent system in relation to invention and technology. The author concludes: "The patent system, at least as it is organized at present, should be abolished. There is neither justice nor necessity for giving monopolies in products emanating, as most inventions do, almost imperceptibly from the social process; especially when the recipient of the monopoly may have become entitled to it (legally) only through an unequal bargain with an actual contributor."
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A critical evaluation of patents and their capacity for furthering monopoly.
55. **POLANYI, MICHAEL.** **PATENT REFORM, A PLAN FOR ENCOURAGING THE APPLICATION OF INVENTIONS.** Cambridge, England, Students Bookshops, 1945, 16 pages. Reprinted from the *Review of Economic Studies*, volume 11, 1944, pages 61-76.  
A proposal, with accompanying analysis, for rewarding inventors from the public purse, rather than requiring them to earn their reward commercially; specifically "to supplement licenses of right by Government rewards to patentees on a level ample enough to give general satisfaction to inventors and their financial promoters." This plan is intended to encourage the transfer of most patents into the proposed type of license of rights.

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<sup>1</sup> See also: Part III, Concept of inventions and their patentability; Part IV, Patents and technology; Part IX, Patent policies in foreign countries and in international agreements; and Part XI, Patent Office procedures and administrative aspects of patents.

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A historical review and defense of the American patent system.

III. CONCEPT OF INVENTIONS AND THEIR PATENTABILITY<sup>2</sup>

144. AUSTIN, JOHN HOGG. *THE PATENTABLE INVENTION*. University of Pennsylvania Law Review, volume 84, June 1936, pages 943-965. Reprinted in Journal of the Patent Office Society, volume 18, November 1936, pages 738-769.

A report on the basic principles of patentability; such as interpretation, infringements, and procedure for obtaining a patent.

145. BALLARD, WILLIAM R. *WHAT IS INVENTION?* Journal of the Patent Office Society, volume 39, May 1957, pages 319-324.

The author emphasizes that the presence or absence of "invention" is a matter of judgment, to be determined administratively by persons thoroughly familiar with the art to which the contribution is made, not by rigid statutory definitions. In his view, the Patent Office, once it is properly manned and equipped, is best qualified to make these decisions.

146. COOPER, DRURY W. *PATENT LAW: CHALLENGING THE COURT'S VIEW OF "INVENTION."* American Bar Association Journal, volume 35, April 1949, pages 306-309.

A criticism of the narrowness of court interpretation of inventions. Recommends elimination by statute of the power of courts to declare patents invalid on grounds other than those of novelty and utility. [See also item No. 157 below.]

147. CROUCH, LOGAN R. *THE CUNO CASE: A MECHANIC'S VIEW OF PATENT LAW*. American Bar Association Journal, volume 37, May 1951, pages 353-356.

A disagreement with the Supreme Court's views on patentability as expressed in the Cuno case.

148. DAVIS, WILLIAM H. *THE IMPACT OF RECENT SUPREME COURT CASES ON THE QUESTION OF PATENTABLE INVENTION*. Illinois Law Review, volume 44, March-April 1949, pages 41-48.

"Since the two decisions of the Supreme Court upholding patentability in 1941 and 1943 \* \* \* the attitude of the lower courts has begun to change and to veer from hostility in some cases to a more friendly approach to patents."

149. DAWSON, C. W. *INVENTION AND PATENTABILITY; SOME PROPOSALS AS TO THE LATTER BASED UPON A STUDY OF THE NATURE OF THE FORMER*. 1951, 36 pages (mimeographed).

Author, holding present theory of patentability to be seriously defective, suggests a new approach distinguishing between research invention and nonresearch invention, the former involving more effort and warranting longer patent protection.

150. DELLER, ANTHONY WILLIAM. *AN INQUIRY INTO THE UNCERTAINTIES OF PATENTABLE INVENTION AND SUGGESTED REMEDIES*. Journal of the Patent Office Society, volume 38, March 1956, pages 153-179.

An address before the Patent Lawyers Club, Washington, D. C.

151. DODDS, LAURENCE B., and FRANCIS W. CROTTY. *THE NEW DOCTRINAL TREND*. Journal of the Patent Office Society, volume 30, February 1948, pages 83-120.

A review of important patented inventions, in refutation of the "flash of genius" doctrine. The authors conclude: "What made the classical great inventions great was their subsequent tremendous commercial success rather than any incandescent flash of creative genius involved in their creation."

152. FORUM OF THE NEW YORK PATENT LAW ASSOCIATION ON THE SUBJECT OF "PATENTABLE INVENTION." Journal of the Patent Office Society, volume 32, February 1950, pages 89-122.

Includes the following three papers presented on November 30, 1949: Patentable Invention and Our Political Economy, by Daniel H. Kane; Standards of Invention in Mechanical Cases, by Conder C. Henry; and Concept of Patentable Invention, by P. J. Federico.

153. GERHARDT, PAUL. *PATENT POLICY AND INVENTION*. Illinois Law Review, volume 46, September-October 1951, pages 609-626. Reprinted in the Journal of the Patent Office Society, volume 34, November 1952, pages 877-898.

A review of the needs for legislation in this field. Author is identified in the reprint; not in the original law review.

<sup>2</sup> See also: Part II, History of patents; and Part VIII, Patent Act of 1952.

154. HAYES, JOHN E. R. THE INVENTIVE CONCEPT. *Journal of the Patent Office Society*, volume 18, December 1936, pages 338-352.  
A scholarly discussion of the concept of invention.
155. ———. THE MENTAL CONCEPT OF INVENTION. *Journal of the Patent Office Society*, volume 17, December 1935, pages 948-961.  
A brief survey of the ingredient of "mental concept" in the embodiment of an invention.
156. ———. THE NATURE OF PATENTABLE INVENTION, ITS ATTRIBUTES AND DEFINITION. Cambridge, Mass., Addison-Wesley Press, 1945, 183 pages.  
A concise legal treatise with extensive citations of court opinions. Has a table of cases, but no index.
157. KENYON, W. HOUSTON, JR. PATENT LAW: WHY CHALLENGE THE COURT'S VIEW OF "INVENTION"? *American Bar Association Journal*, volume 35, June 1949, pages 480-483.  
A reply to an article by Drury W. Cooper in the April 1949 issue of the ABA Journal which criticized the narrow concept of inventions held by the courts. Kenyon holds that the decline in number of patents granted since 1940 is not due to Supreme Court opinions, but is a result of war and of a postwar curtailment of Patent Office personnel. (Drury Cooper's article is listed as item No. 146 above.)
158. KIP, RULOFF F. PATENTABILITY OF NATURAL PHENOMENA. *George Washington Law Review*, volume 20, March 1952, pages 371-408.  
The author believes "the defense that patent claims are for monopolies of natural actions" to be unsound. If such a defense were to be allowed it would logically be extended to all patentable items, "for whether the subject of the claim is a machine, a method, or a material composition, the truth must be admitted that the operation \* \* \* consists of naught but natural actions governed by the natural laws."
159. PATENT POLICY AND INVENTION. *Illinois Law Review*, volume 46, September-October 1951, pages 609-626.  
The author reviews the development of a nebulous "standard of invention" as a guide for determining patentability. He calls for a reexamination of our patent system with the objective of making it more explicit and improving its administration. Good bibliographic footnotes.
160. POSNACK, EMANUEL R. THE JUDICIAL EROSION OF OUR PATENT SYSTEM: A THREAT TO INVENTIVE INITIATIVE. *American Bar Association Journal*, volume 37, May 1951, pages 357-360, 406-407.  
A criticism of the judicial interpretation of the definition of an invention.
161. POTTS, HAROLD E. THE DEFINITION OF INVENTION IN PATENT LAW. *Modern Law Review*, volume 7, July 1944, pages 113-123.  
A British treatise arguing that, in borderline cases centering on the definition of invention, the court should have the discretion to make partial awards.
162. RECENT DEVELOPMENTS IN THE LAW OF PATENTS UNDER THURMAN ARNOLD. *Columbia Law Review*, volume 45, May 1945, pages 422-443.  
Comment on three cases decided in 1944 by Arnold, then associate justice of the Court of Appeals of the District of Columbia. Author concludes: "In view of the confusion which exists among the courts on the question of 'patentability,' it would appear that definite congressional action will be the only solution to the problem."
163. RIVISE, CHARLES W., and A. D. CAESAR. PATENTABILITY AND VALIDITY. Charlottesville, Va., Michie Co., 1936, 755 pages.  
An extensive legal treatise on the patentability of inventions and the validity of patents. Considers the positive and negative aspects of patentability and validity and the various factors which may render an apparently valid patent unenforceable.
164. ROOT, LLOYD C. LACK OF INVENTION AS A GROUND FOR REJECTION. *Journal of the Patent Office Society*, volume 21, January 1939, pages 64-74.  
A protest against the increasing number of rejections by the United States Patent Office based on "lack of invention," together with recommended remedies.



165. RYAN, MARTIN A. PATENTABILITY OF A NEW USE FOR AN OLD COMPOSITION OF MATTER. *George Washington Law Review*, volume 15, April 1947, pages 284-312.

Author develops the history of the case for and against patentability of a new use for an old composition of matter; finds that the law is best expressed in the *Old Town* case (1947) in which the Circuit Court of Appeals held that no new use of any physical object could ever be patentable under the present statutes.

166. STEYN, J. R. PROPRIETARY RIGHTS IN INVENTIVE IDEAS AND DISCOVERIES. *South African Law Journal*, volume 70, August 1953, pages 266-279.

A comparative study of the patent law in the United States, Canada, and Great Britain insofar as it bears on definition of concepts relating to patentability of inventions. Terms considered include art or process, machine, manufacture, composition of matter, and plants.

167. U. S. LIBRARY OF CONGRESS, LEGISLATIVE REFERENCE SERVICE. EFFORTS TO ESTABLISH A STATUTORY STANDARD OF INVENTION. By Victor Edwards. Study No. 7 of the Subcommittee on Patents, Trademarks, and Copyrights of the Senate Committee on the Judiciary. Washington, U. S. Government Printing Office, 1957, 29 pages (85th Cong., 1st sess., Senate committee print).

Covers the history of efforts to write into the patent laws a specific statutory test of "invention," and proposals to give greater weight to Patent Office determinations. Describes the bills introduced and includes significant testimony. The study includes a list of case annotations, with selected excerpts therefrom, dealing with section 103 of the Patent Act of 1952. A bibliography is appended.

168. WEKLIND, LEONARD F. NO VALID PATENTS? UNITED STATES SUPREME COURT TRENDS IN "JUNGERSEN *v.* OSTBY AND BARTON COMPANY." *Journal of the Patent Office Society*, volume 31, November 1949, pages 859-872.

A criticism of judicial interpretation of standards of invention.

169. WILLIAMSON, E. THE INVENTION. *Journal of the Patent Office Society*, volume 26, February 1944, pages 91-103.

A discussion of the nature, definition, and tests of invention. Written by a fellow of the chartered Institute of Patent Agents.

170. ZABEL, MAX W. THE SEARCH FOR RULES HELPFUL IN DETERMINING INVENTION. *Journal of the Patent Office Society*, volume 30, November 1948, pages 854-866.

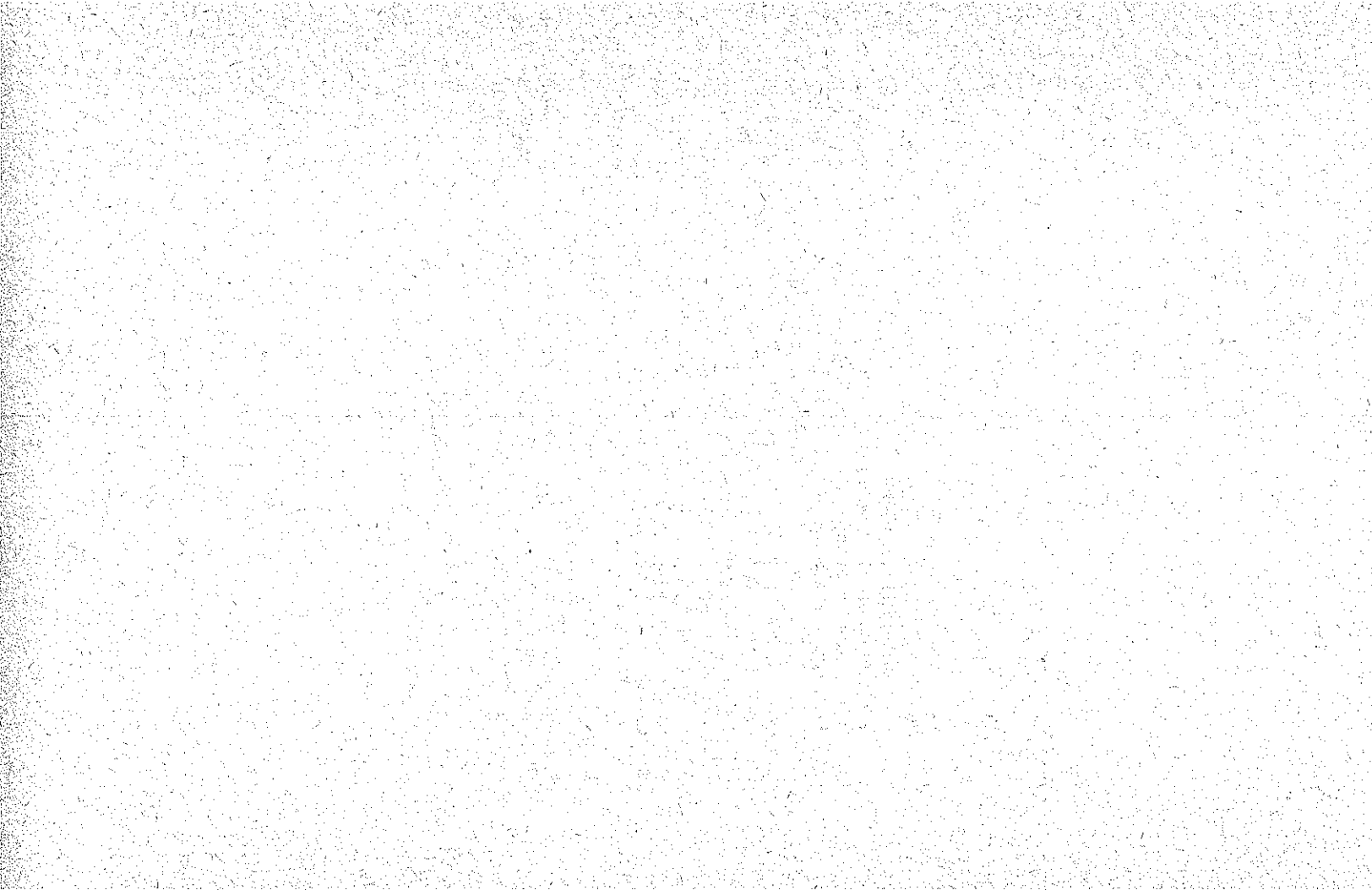
Author concludes: "Invention being a matter of opinion except in well-defined cases, a so-called standard of invention can almost be said to vary between zero and infinity. As invention is to be used to promote the useful arts, and, since the promotion of useful arts is an economic problem, the standard of invention as applied by the courts should be grounded in economic considerations."

#### IV. PATENTS AND TECHNOLOGY <sup>8</sup>

171. AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE. COMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS, JOSEPH ROSSMAN, CHAIRMAN. THE PROTECTION BY PATENTS OF SCIENTIFIC DISCOVERIES. Report. New York, Science Press, 1934, 40 pages. (Occasional papers, No. 1, January 1934).

Part I includes sections on inventions of industrial value, medical patents, and patent policies of universities, institutions, and the Federal Government. Part II considers the protection of scientific property. Committee concludes that "no effort should at present be made to develop a plan for protecting scientific property" since according to the committee there appears to be no need for such legal protection as incentive to the scientist. Includes bibliographic footnotes.

<sup>8</sup> See also: Part II, History of Patents.



182. KOTTKE, FRANK JOSEPH. **ELECTRICAL TECHNOLOGY AND THE PUBLIC INTEREST: A STUDY OF OUR NATIONAL POLICY TOWARD THE DEVELOPMENT AND APPLICATION OF INVENTIONS.** Washington, D. C., American Council on Public Affairs, 1944, 199 pages.

Includes extensive references to patents, particularly in Chapter 3: The Patent Privilege as a Stimulus to Industrial Research, pages 36-50; and Chapter 8: Patent Licensing Practices and the Modification of Competition, pages 110-123. Includes a 6-page bibliography.

183. MAARSCHALK, COENRAAD G. D. **THE ROLE OF PATENTS IN TECHNOLOGICAL PROGRESS, WITH SPECIAL ATTENTION TO PATENT ACTIVITY IN THE NETHERLANDS.** Den Haag, 1948. (In Harvard University Library, Cambridge, Mass.)

184. NATIONAL ASSOCIATION OF MANUFACTURERS. **INDUSTRIAL RESEARCH AND PATENTS.** New York, 1946, 36 pages.

A symposium of addresses by Casper W. Ooms, Bruce K. Brown, and Dr. E. R. Weidlein at the Golden Anniversary, Congress of American Industry, New York, December 7, 1945.

Casper Oom's address was reprinted in the Journal of the Patent Office Society, volume 28, January 1946, pages 5-17.

Comments on Commissioner Ooms' NAM address by William E. Warland was printed in the Journal of the Patent Office Society, volume 28, August 1946, pages 600-606.

Edward R. Weidlein's address was reprinted in the Journal of the Patent Office Society, volume 28, February 1946, pages 79-89.

185. ———. **N. A. M. PATENTS AND RESEARCH COMMITTEE.**

**TRENDS IN INDUSTRIAL RESEARCH AND PATENT PRACTICES;** a survey of the general patterns in research activities and patent policies within different types of industry. New York, National Association of Manufacturers, 1948, 79 pages.

Gives data, on the basis of a May 1947 questionnaire responded to by 983 manufacturers, on patents and products resulting from research activities.

186. ———. **N. A. M. 1949 PATENTS AND RESEARCH SEMINARS. PROCEEDINGS.** New York, 1950, 40 pages (Economic Policy Division Series No. 23).

A series of 11 papers, 7 dealing directly with research and 4 on patents and the American economy.

187. SCHAIRER, OTTO S. **PATENT POLICIES OF RADIO CORPORATION OF AMERICA.** New York, RCA Institutes Technical Press, 1939, 92 pages.

Sets forth the policies of RCA in encouraging research and invention and its practices with respect to acquiring and utilizing inventions and patent rights, and extending their benefits to others in the radio industry and to the public.

188. SCIENCE ADVISORY BOARD, COMMITTEE ON THE RELATION OF THE PATENT SYSTEM TO THE STIMULATION OF NEW INDUSTRIES. **REPORT, APRIL 1, 1935.** In Science Advisory Board, Second Report, September 1, 1935, pages 317-340.

Report of a committee under the chairmanship of Vannevar Bush with recommendations for improving the patent system in order to stimulate new industries in this country. Reprinted in "Endless Horizons" by Vannevar Bush, pages 151-169, published in 1946.

189. SEMINAR ON WHAT INVENTION CAN MEAN TO YOU; SPONSORED BY THE ASSOCIATED INDUSTRIES OF CLEVELAND AND THE NATIONAL ASSOCIATION OF MANUFACTURERS, JUNE 21, 1948. (Cleveland, 1948.) 75 pages.

A series of six addresses intended to portray the role of the patent system in our economic society and to show its importance in the operations of a manufacturer; to describe the operation of the patent system and advise on problems in securing patents; and to present some legal problems involving patents. Speakers were Crosby Field, John Diener, Lawrence C. Kingsland, Dexter S. Kimball, Norman N. Holland, and Casper Ooms.

190. WILSON, ROBERT E. **RESEARCH AND PATENTS.** Industrial and Engineering Chemistry, volume 35, February 1943, pages 177-185. Reprinted, with editorial changes in Journal of the Patent Office Society, volume 25, April 1943, pages 239-263.

An address delivered January 8, 1943, before the Society of Chemical Industry in vigorous defense of patents and their role in stimulating technology.

191. WISE, JOHN KENNETH. PATENT LAW IN THE RESEARCH LABORATORY. New York, Reinhold, 1955, 145 pages.

A handbook intended to give a practical insight into the workings of the patent system and to show the impact of that system on day-to-day research activities.

192. WRIGHT, MILTON. INVENTIONS AND PATENTS: THEIR DEVELOPMENT AND PROMOTION. New York, McGraw Hill, 1927, 225 pages.

A guide for the inventor with regard to patent acquisition, utilization, and protection by the associate editor of Scientific American.

#### V. PATENT ASPECTS OF ATOMIC ENERGY LEGISLATION\*

193. ADAMS, WALTER. ATOMIC ENERGY; THE CONGRESSIONAL ABANDONMENT OF COMPETITION. Columbia Law Review, volume 55, February 1955, pages 158-179.

A critical analysis of the Atomic Energy Act of 1954, with particular reference to the patent provisions of the act. The author feels that the patent subsidy and licensing provisions will tend to limit competitive development of this new industry. Reprinted as Chapter 7: Legislation and Atomic Energy, pages 142-163, in Adams, Walter, and Horace M. Gray, "Monopoly in America, the Government as Promoter," 1955, 221 pages.

194. BECKETT, WILLIAM W., and RICHARD M. MERRIMAN. WILL THE PATENT PROVISIONS OF THE ATOMIC ENERGY ACT OF 1954 PROMOTE PROGRESS OR STIFLE INVENTION? George Washington Law Review, volume 23, December 1954, pages 195-213. Reprinted in the Journal of the Patent Office Society, volume 37, January 1955, pages 38-65.

The authors conclude that the act should "be amended to preserve the public rights under Government-financed inventions, but should apply normal patent procedure to privately financed inventions. To accomplish this, section 152 should be substantially revised and section 153 should be repealed."

195. BOSKEY, BENNETT. INVENTIONS AND THE ATOM. Columbia Law Review, volume 50, April 1950, pages 433-447. Reprinted with minor revisions in the Journal of the Patent Office Society, volume 32, August 1950, pages 563-582.

A review of problems facing the Patent Compensation Board of the Atomic Energy Commission in carrying out the patent provisions of the Atomic Energy Act of 1946.

196. ———. OPERATION OF THE PATENT PROVISIONS OF THE ATOMIC ENERGY ACT. Journal of the Patent Office Society, volume 32, November 1950, pages 808-820.

A review of the patent aspects of the administration of the 1946 Atomic Energy Act.

197. ———. PATENTS UNDER THE NEW ATOMIC ENERGY ACT. Journal of the Patent Office Society, volume 36, December 1954, pages 867-882.

A review of the patent provisions of the Atomic Energy Act of 1954 as contrasted with the original Atomic Energy Act of 1946.

198. ———. SOME PATENT ASPECTS OF ATOMIC POWER DEVELOPMENT. Law and Contemporary Problems, volume 21, Winter 1956, pages 113-131.

A critical evaluation of the Atomic Energy Act of 1954, and, in particular, of section 152 of the act, which vests in the Government, rather than in the inventor, the ownership of atomic energy inventions conceived under contracts with the Atomic Energy Commission.

199. COLE, STERLING. PATENTING NUCLEAR DEVELOPMENTS. Nucleonics, volume 13, April 1955, pages 31-35.

Fourth in a series of articles on the meaning of the Atomic Energy Act of 1954 by the chairman of the Joint Committee on Atomic Energy in the 83d Congress. Author discusses patent provisions of the law and patent problems remaining, with particular reference to the relative rights of the Government and the private inventor.

200. THE CONSTITUTIONALITY OF THE PATENT PROVISIONS OF THE 1954 ATOMIC ENERGY ACT. University of Chicago Law Review, volume 22, Summer 1955, pages 920-927.

An evaluation of the constitutionality of the compulsory licensing provisions in the 1954 Atomic Energy Act.

\* See also: Part VI, Patent Policy on Government-Sponsored Research and Government-Owned Patents.

201. GALANE, MORTON R. STANDARDS FOR A REASONABLE ROYALTY UNDER THE ATOMIC ENERGY COMPULSORY LICENSING PROGRAM. *Virginia Law Review*, volume 38, January 1952, pages 53-68. Reprinted in *Journal of the Patent Office Society*, volume 34, December 1952, pages 927-944.  
Author concludes that Congress should formulate standards for a reasonable royalty that insures the attainment of a sound patent system, and believes that the "prudent investment" theory should be incorporated as the statutory standard.
202. GROSS, MARTIN L. HOW AMERICA "BORROWED" THE A-BOMB. *True*, volume 34, February 1954, pages 19-20, 22, 24, 26, 88-90.  
A narrative of the patents which made the atomic bomb possible.
203. HAFNER, THEODORE. ATOMIC ENERGY AND PATENT LAW. *Journal of the Patent Office Society*, volume 33, January 1951, pages 35-57.  
A review of the Atomic Energy Act of 1946, its history and operation, with suggested amendments.
204. MILLER, BYRON S. THE FIRST OFFICIAL REPORT ON AEC PATENT PROBLEMS. *Bulletin of the Atomic Scientists*, volume 4, March 1948, pages 77-80.  
A summary and analysis of the September 1947 Report of the AEC's Advisory Panel on Patents, under the chairmanship of Casper W. Ooms, dealing with patent provisions of the Atomic Energy Act of 1946 and their administration.
205. MOBILE, GEORGE T. PATENT LAW: THE EFFECT OF THE ATOMIC ENERGY ACT OF 1946. *Cornell Law Quarterly*, volume 36, Spring 1951, pages 580-589.  
An appraisal of the patent provisions of the Atomic Energy Act of 1946.
206. NATIONAL ASSOCIATION OF MANUFACTURERS, PATENTS AND RESEARCH COMMITTEE. WHAT'S AHEAD FOR PATENTS, INDUSTRIAL RESEARCH, AND ATOMIC ENERGY? New York, 1947, 43 pages.  
A symposium containing addresses by Robert H. Hutchins and Senator Alexander Wiley, as well as a panel discussion on the role of Government in research.
207. NEWMAN, JAMES R., and BYRON S. MILLER. THE CONTROL OF ATOMIC ENERGY; A STUDY OF ITS SOCIAL, ECONOMIC, AND POLITICAL IMPLICATIONS. New York, Whittlesey House, 1948, 434 pages.  
Chapter 8: Patents and Inventions, pages 142-169, provides an evaluation of the patent provisions of the Atomic Energy Act of 1946. Authors conclude that the act "eliminated from a whole vast area of enormous, potential, economic significance all possibility of manipulating patents as an instrument for achieving privileged position and monopoly control." The patent provisions of the act are reprinted on pages 305-309.
208. OOMS, CASPER W. THE PATENT PROVISIONS OF THE ATOMIC ENERGY ACT. *University of Chicago Law Review*, volume 15, 1948, pages 822-838.  
A detailed review of the patent provisions in the Atomic Energy Act. Author doubts that the patent provisions of the act will have any substantial effect, pro or con, on the industrial economy or the development of industrial applications of atomic energy.
209. ——. REVISIONS OF THE PATENT PROVISIONS—GOOD OR BAD? In *National Industrial Conference Board, Atomic Energy in Industry*, minutes of Third Conference, October 13-15, 1954. New York, 1955, pages 279-285.  
One of four addresses of a panel on significance of the amendments to the Atomic Energy Act. A balanced evaluation of the Atomic Energy Act of 1954.
210. ——. SOME SUGGESTIONS RELATING TO PATENT PROVISIONS IN ATOMIC ENERGY LEGISLATION TO PROTECT THE PUBLIC INTEREST. *Journal of the Patent Office Society*, volume 38, January 1956, pages 38-62.  
A review of patent problems in atomic energy legislation by a former Commissioner of Patents and Chairman, Patent Compensation Board, United States Atomic Energy Commission.
211. SCHMIDT, JOHN F. COMPULSORY LICENSING AND NATIONAL DEFENSE: DANGER IN ABANDONING OUR PATENT SYSTEM. *American Bar Association Journal*, volume 35, June 1949, pages 476-479.  
The author is disturbed by compulsory licensing provisions of the Atomic Energy Act of 1946. Holds that an international patent system that would grant inventors exclusive rights to their atomic inventions for a limited time is needed.

212. U. S. CONGRESS. JOINT COMMITTEE ON ATOMIC ENERGY. PATENT ASPECTS OF THE ATOMIC ENERGY ACT. Hearing, March 31, 1950, Washington, U. S. Government Printing Office, 1950, 8 pages.  
A brief hearing designed primarily to exempt members of the General Advisory Committee to the Atomic Energy Commission from any curtailment of their patent rights based on their activities prior to their membership on the committee.
213. U. S. CONGRESS. SENATE. SPECIAL COMMITTEE ON ATOMIC ENERGY. ATOMIC ENERGY ACT OF 1946. Hearings on S. 1717, January 22-April 8, 1946, Washington, U. S. Government Printing Office, 1946, 539 pages in 5 parts.  
Witnesses with respect to the patent provisions of the proposed Atomic Energy Act of 1946 included William H. Davis, former Director of the Office of Economic Stabilization (pp. 46-69); George E. Folk, patent adviser, NAM (pp. 297-315); Irvin Stewart, Deputy Director, Office of Scientific Research and Development (pp. 331-337); and Capt. Robert A. Lavender, U. S. Navy (pp. 337-358).
214. VALIMONT, ROBERT W. ATOMIC ENERGY PATENT PROVISIONS AND THE AMERICAN ECONOMY. University of Pennsylvania Law Review, volume 97, February 1949, pages 389-403. Reprinted in the Journal of the Patent Office Society, volume 31, October 1949, pages 743-766.  
An evaluation of the Atomic Energy Act of 1946 and its effects on the American economy. Includes recommendations for adapting the act so as to give private enterprise a larger role in the development of atomic energy.

#### VI. PATENT POLICY ON GOVERNMENT-SPONSORED RESEARCH AND GOVERNMENT-OWNED PATENTS<sup>1</sup>

215. BOWEN, HAROLD G. SHIPS, MACHINERY AND MOSSBACKS; THE AUTOBIOGRAPHY OF A NAVAL ENGINEER. Princeton, Princeton University Press, 1954, 397 pages.  
Includes a section, pages 345-360, on the author's experience as Director of the Naval Research Laboratory with patent policies as they affected employees of the NRL.
216. BOYLE, JOHN. EXPLOITATION OF GOVERNMENT-OWNED PATENTS. Journal of the Patent Office Society, volume 35, March 1953, pages 188-213.  
Author concludes that Congress should not overlook Government-owned patents as a source of revenue and should question the executive policy of freely granting to private interests valuable rights to inventions and patents that belong to all the taxpayers.
217. BRODER, SIMON. GOVERNMENT OWNERSHIP OF PATENTS. Journal of the Patent Office Society, volume 18, October 1936, pages 697-708.  
An analysis of the problems connected with Government ownership of patents. By a Washington, D. C., patent attorney.
218. CLARK, TOM C. GOVERNMENT LIABILITY FOR USE OF PATENTED INVENTIONS. Temple Law Quarterly, volume 20, July 1946, pages 1-27.  
This discussion by the Attorney General of the United States illustrates the problems with which the Government and the claimant are faced when the Government has utilized patented inventions. Article deals mostly with the financial responsibility arising out of use of privately owned inventions, under the Act of June 25, 1910, as amended.
219. CLINTON, FRANK B. THE PATENT STATUS OF FEDERAL EMPLOYEES. Georgetown Law Journal, volume 22, November 1933, pages 58-72.  
This article discusses the treatment under the law of both Federal employees and those in private employment with respect to their rights under patents on inventions made by them. The main emphasis is upon the legal status of the Federal employee.
220. COE, CONWAY P. THE ROLE OF INVENTION IN NATIONAL DEFENSE. Journal of the Patent Office Society, volume 24, January 1942, pages 6-14.  
A radio address by the Commissioner of Patents, November 24, 1941.
221. FORMAN, HOWARD I. THE GOVERNMENT PATENTS BOARD-DETERMINATION OF PATENT RIGHTS IN INVENTIONS MADE BY GOVERNMENT EMPLOYEES. Journal of the Patent Office Society, volume 35, February 1953, pages 95-127.  
An examination of the background and first years of the Government Patent Board, and its functions on behalf of the government and government employees.

<sup>1</sup> See also: Part V, Patent Aspects of Atomic Energy Legislation.

222. ———. UNITED STATES PATENT OWNERSHIP POLICY AND SOME OF ITS ADMINISTRATIVE IMPLICATIONS. *Journal of the Patent Office Society*, volume 38, June-December 1956, pages 380-424, 478-518, 534-578, 647-668, 705-735, 762-792, 866-876, and volume 39, January 1957, pages 62-65.
- A doctoral thesis completed in 1955 at the University of Pennsylvania on patent rights of the United States Government. Includes an extensive bibliography on the subject.
223. GARBBER, ELIOT. PATENTS, INVENTIONS BY FEDERAL EMPLOYEES AND CONTRACTORS, DISPOSITION OF TITLE AND REWARDS. *Journal of the Patent Office Society*, volume 35, June 1953, pages 426-441.
- A review of the problems of appropriate rewards and recognition for inventions made by Government employees and contractors.
224. JOHNSON, D. H. N. ENCOURAGING INVENTIONS BY GOVERNMENT EMPLOYEES. *Modern Law Review*, volume 13, October 1950, pages 428-444.
- The object of this paper is to investigate the methods adopted to encourage inventions by government employees, not only in the United States but also in the Soviet Union.
225. LIEBHAFSKY, E. E. FEDERAL POLICY ON SCIENTIFIC RESEARCH. *Science and Society*, volume 19, Summer 1955, pages 219-239.
- A survey of the changes between pre-World War II and post-World War II policies of the Federal Government on scientific research. Includes a discussion of patent rights resulting from Federal expenditures on research.
226. NATIONAL POLICY COMMITTEE. MEMORANDUM OF THE NEW YORK DINNER ON PATENTS ON GOVERNMENT RESEARCH [December 7, 1945]. Washington, National Policy Committee, 1946, 27 pages (National Policy Memorandum No. 45).
- A discussion criticizing lack of uniform policy for patents on Government research and suggesting various reforms.
227. SARGEANT, HOWLAND H., and HENRIETTA L. CREAMER. ENEMY PATENTS. *Law and Contemporary Problems*, volume 11, Winter-Spring 1945, pages 92-108.
- Discussion of disposition of patents vested in Alien Property Custodian. Authors hold that it is unlikely that enemy patents seized in World War II will be returned to former owners. Part of a symposium on enemy property.
228. SECURITY INVENTIONS: COMPENSATION UNDER PATENT AND ATOMIC ENERGY ACTS. *Indiana Law Journal*, volume 31, Fall 1955, pages 90-104.
- An evaluation of the conflict between the concepts of secrecy required for national security and full disclosure, a basic element of the patent system. The author points out the constant need for reappraisal of the secrecy provisions of existing patent legislation in the interests of national defense and national welfare.
229. U. S. DEPARTMENT OF JUSTICE. INVESTIGATION OF GOVERNMENT PATENT PRACTICES AND POLICIES. Report and recommendations of the Attorney General to the President. Washington, U. S. Government Printing Office, 1947. 982 pages, in 3 volumes.
- A detailed series of studies and recommendations relating to patent policies and practices of Government departments relating to inventions of their employees and contractors. These series comprise (1) the finding, conclusions, and recommendations of the Attorney General; (2) a monograph on relevant principles of law relating to rights in inventions of Government employees and contractors; (3) a monograph summarizing prior studies, proposals and recommendations made by Government agencies; (4) monographs on patent practices and policies of 14 Government departments and agencies; (5) a monograph on patent practices and policies of 10 foreign governments; (6) two monographs on patent practices of educational and nonprofit organizations and of industrial laboratories; and (7) a bibliography of 229 items.
- The foregoing materials are contained in the 3 volumes, as follows: volume 1: Final Report Proper, 146 pages; volume 2: Monographs on Governmental Departments and Agencies, 508 pages; volume 3: Monographs on Nongovernmental Organizations, Foreign Countries, Legal and Historical Studies, and Bibliography, 328 pages.

230. U. S. GOVERNMENT PATENTS BOARD, OFFICE OF THE CHAIRMAN. A PROPOSED GOVERNMENT INCENTIVES, AWARDS, AND REWARDS PROGRAM. Washington, U. S. Government Printing Office, 1952, 27 pages.

Recommendations made by an interagency working committee on incentives, awards, and rewards, as well as an examination and analysis of existing laws and current practices.

231. ———. REPORT OF THE CHAIRMAN \* \* \* THROUGH JUNE 30, 1953, TO THE PRESIDENT OF THE UNITED STATES. Washington, U. S. Government Printing Office, 1954, 18 pages.

First report of the agency established by Executive Order 10096, January 23, 1950, to administer the Government's patent policy with respect to inventions made by Government employees.

232. VOIT, RICHARD L. POWERS AND POLICIES OF ALIEN PROPERTY CUSTODIAN RELATING TO PATENTS. *George Washington Law Review*, volume 12, April 1944, pages 330-345.

A historical survey describing the rights and powers possessed by the Alien Property Custodian relating to patents.

## VII. PATENTS AND ANTITRUST, INCLUDING PATENT POOLING PROBLEMS

### A. IN GENERAL\*

233. ABBOTT, EDWIN, JR. PATENTS AND THE SHERMAN ACT. *Columbia Law Review*, volume 12, December 1912, pages 709-723.

An early article outlining the effect of the Sherman Antitrust Act on Patents.

234. AIRCRAFT MANUFACTURERS' CROSS-LICENSE AGREEMENT. *Air Law Review*, volume 7, January 1936, pages 98-115.

A survey on the agreement and how its operation handicapped the military program of the Government. The agreement was formed in 1918, during the war, for the purpose of removing the barrier to the Army program created by conflicting patents.

235. ARNOLD, THURMAN W. THE ABUSE OF PATENTS. *Atlantic Monthly*, volume 170, July 1942, pages 14-20. Reprinted in the *Journal of the Patent Office Society*, volume 24, August 1942, pages 531-544. [See item No. 266.]

An indictment of the patent system insofar as it fosters monopoly control.

236. BARNARD, ROBERT C., and ZLINKOFF, SERGEI S. PATENTS PROCEDURE, AND THE SHERMAN ACT—THE SUPREME COURT AND A COMPETITIVE ECONOMY, 1949 TERM. *George Washington Law Review*, volume 17, December 1948, pages 1-58.

"The public policy of free competition embodied in the antimonopoly statutes is the paramount principle that \* \* \* seems to underlie" the views of the majority of the Supreme Court in cases dealing with "(a) the validity of patents, (b) procedural problems arising in antitrust litigations, and (c) the interrelation between the scope of the patent privilege and the Sherman Act."

237. BARNETT, OTTO R. PATENT PROPERTY AND ANTIMONOPOLY LAWS. Indianapolis, Bobbs-Merrill Co., 1943, 622 pages.

This detailed study is designed to "clarify the distinction between the lawful control of the beneficial monopoly provided for by the Constitution to 'promote progress in science and the useful arts' and the misuse of the patent grant, outside the field secured by it, in violation of the antimonopoly laws." In general defends the patent system. Includes among 20 appendixes, the patent laws, various bills, and reprints of a number of articles, reports, and legal decisions.

238. BARNETT, SHERMAN R. "WITHIN HIS DOMAIN THE PATENTEE IS CZAR," A SURVEY OF HIS DOMAIN WITH REGARD TO PRICE FIXING AND THE ANTITRUST LAWS. *Journal of the Patent Office Society*, volume 17, February 1935, pages 92-119.

A presentation of the thesis that, subject to the law of the land with respect to other property, the patentee holds a monopolistic position. Includes discussion of judicial acts limiting this monopolistic position.

\* See also: Part V, Patent Aspects of Atomic Energy Legislation; and Part X, Patents and International Cartels.



239. BATEMAN, ROY D. SHOULD ANTITRUST LAW PENALTIES OR UNENFORCEABILITY OF THE PATENT MONOPOLY BE INVOKED FOR MISUSE OF THE PATENT GRANT? *Journal of the Patent Office Society*, volume 29, January 1947, pages 16-69.

A detailed study of court cases involving misuse of patent grants. Cases are classified and discussed in two groups: (a) Those in which the court approached the misuse as an antitrust violation and (b) those holding the patent monopoly to be temporarily unenforceable, pending discontinuance of the misuse and dissipation of its evil effects.

240. BEACH, ROBERT WILLIS. PATENT CROSS-LICENSING AGREEMENTS AND METHODS OF THEIR ADMINISTRATION. *Journal of the Patent Office Society*, volume 19, August and September 1937, pages 578-596; 646-670.  
Discussion of patent cross-licensing agreements of the Automobile Manufacturers' Association, the Manufacturers Aircraft Association, the Petroleum Distillation Corp., and various concerns in the radio and electrical fields. A doctoral thesis.
241. BORKIN, JOSEPH. PATENTS AND THE NEW TRUST PROBLEM. *Law and Contemporary Problems*, volume 7, Winter 1940, pages 74-81.  
Discussion of the line of demarcation between proper and improper use of the patent privilege under the Sherman Act.
242. BROWN, JO BAILY. RELATION OF THE ETHYL GASOLINE CASE TO RESTRICTIONS IN PATENT LICENSES. *Journal of the Patent Office Society*, volume 22, June 1940, pages 400-409.  
A review of the *Ethyl Gasoline* case, decided March 25, 1940, and its effect on the legality of conditions that patent owners may impose in connection with the grant of licenses to use patented inventions.
243. CALLMANN, RUDOLF. PATENT LICENSE AGREEMENTS BETWEEN COMPETITORS AND THE MONOPOLY ISSUE. *Georgetown Law Review*, volume 28, April 1940, pages 871-907.  
The author, a well-known expert on cartels and monopoly law, recommends a modification of antitrust law to permit certain concerted actions by businessmen, but not without the impartial supervision of some governmental board. Such concerted actions would include various kinds of patent licensing agreements.
244. CELLER, EMANÜEL. PATENTS AND MONOPOLY. *Journal of the Patent Office Society*, volume 38, June 1956, pages 425-439. Also in *Congressional Record (daily)*, volume 102, May 23, 1956, pages A4256-A4259.  
An address presented before the New York Patent Law Association, May 24, 1956.
245. CHAMBERLIN, WALTER H. PATENTED ARTICLES: WHEN ARE THEY EMANCIPATED FROM THE PATENT MONOPOLY UNDER WHICH MANUFACTURED? *Illinois Law Review*, volume 6, January 1912, pages 357-372.  
The purpose of this article is to illustrate the disadvantages that occur in patent restrictions imposed on purchasers of patented articles.
246. CLAPP, NEWELL A. SOME RECENT DEVELOPMENTS IN PATENT-ANTITRUST LAW. *Marquette Law Review*, volume 36, Fall 1952, pages 143-155. Reprinted in the *Journal of the Patent Office Society*, volume 34, December 1952, pages 945-961.  
An address before the Milwaukee Patent Law Association, October 30, 1952, by the then Acting Assistant Attorney General of the United States.
247. COOPER, DRURY W. PATENTS, CARTELS, AND ANTITRUST LAWS. *Journal of the Patent Office Society*, volume 27, June 1945, pages 382-402.  
An address before the Economic Club of Detroit, March 12, 1945. Author holds that the patent system of the United States is threatened with annihilation.
248. CURRIE, WILLIAM E. COOPERATIVE RESEARCH AND THE ANTITRUST LAWS. *Journal of the Patent Office Society*, volume 36, October 1954, pages 690-712.  
A review of the problems connected with cooperative research and patent pooling as related to possible antitrust violations.
249. DARBY, SAMUEL E., JR. THE ALLEGED "ABUSES" OF THE AMERICAN PATENT SYSTEM. *Journal of the Patent Office Society*, volume 25, February 1943, pages 100-131.  
A review of 51 alleged abuses of the patent system; less than a fifth are believed by the author to require new or additional legislation.

250. DIGGINS, BARTHOLOMEW. THE PATENT-ANTITRUST PROBLEM. Michigan Law Review, volume 53, June 1955, pages 1093-1118.  
Part of a symposium on the report of the Attorney General's National Committee To Study the Antitrust Laws. The author, contrary to the views of the committee, holds there is no basic patent-antitrust conflict.
251. DIGGINS, BARTHOLOMEW A., and ROBERT A. NITSCHKE. PATENT PRACTICES UNDER THE ANTITRUST LAWS. Lecture delivered on July 23, 1951, as part of the annual course on current problems in patent law conducted by Practising Law Institute, New York, 1951, pages 33-68.  
Practical considerations and guideposts with respect to carrying out a legal and profitable patent policy are explored in relation to the antitrust laws. Conclusions: "Patent acquisition, generally, has little or no antitrust significance \* \* \*, a nonmanufacturing patentee can probably not impose such limitations (as a manufacturing patentee) \* \* \*, such limitations cannot be imposed on a plurality of licensees if the effect is to suppress competition \* \* \*, a group of patentees cannot impose such restrictions."
252. DOMINICK, WILLIAM E. RECENT DEVELOPMENTS IN THE LAW OF PRICE RESTRICTIONS IN PATENT AGREEMENTS. George Washington Law Review, volume 11, 1942-43, pages 302-327.  
An analysis of the *Univis* and *Masonite* cases "reveals that patent rights are no longer so 'definite and extensive' as they once were considered." The author suggests that the Supreme Court, in attempting to further the public policy declared in the antitrust laws, was "deliberately going out of its way to curtail the value of the patent right."
253. FEUER, MORTIMER. THE PATENT MONOPOLY AND THE ANTITRUST LAWS. Columbia Law Review, volume 38, November 1938, pages 1145-1178.  
A review of monopoly aspects of patents with recommendations "designed to relax the patent monopoly and to put teeth into the antitrust laws when the patent is used as a cloak for illegal practices."
254. ———. THE PATENT PRIVILEGE AND THE TNEC PROPOSALS. Temple Law Quarterly, volume 14, February 1940, pages 180-194.  
Concludes that the TNEC recommendation on patents, broadened further to include President F. D. Roosevelt's recommendation of across-the-board compulsory licensing, should be enacted.
255. FOLK, GEORGE E. SCOPE AND LIMITATIONS OF THE PATENT MONOPOLY. NAM Law Digest, volume 2, April 1938, pages 149-156. Reprinted in Journal of the Patent Office Society, volume 22, February and March 1940, pages 135-154, 184-210.  
A pair of articles dealing with legal aspects of a patentee's rights under the patent and antitrust laws, and a criticism of patent recommendations made by the Department of Justice and approved by the Temporary National Economic Committee.
256. GILFILLAN, S. COLUM. PATENT POOLING AND ITS BETTERMENT. Chicago, the author, 1939, 29 pages (mimeographed).  
An evaluation of patent pooling and a proposal for a new system of making it the principal form of inventing and patenting.
257. HARTFORD-EMPIRE v. UNITED STATES: INTEGRATION OF THE ANTITRUST AND PATENT LAWS. Columbia Law Review, volume 45, July 1945, pages 601-625.  
A discussion of problems involved in integrating the antitrust and patent laws, arising out of the Supreme Court decision in *Hartford-Empire v. United States*.
258. HAVIGHURST, HAROLD C. THE LEGAL STATUS OF INDUSTRIAL CONTROL BY PATENT. Illinois Law Review, volume 35, January 1941, pages 495-518.  
Author recommends legislation "making it unlawful for the holder of a patent to impose upon licensees restrictions with respect to price, production, or markets."
259. HOFFMAN, A. C. LARGE-SCALE ORGANIZATION IN THE FOOD INDUSTRIES. Washington, U. S. Government Printing Office, 1940, 174 pages (Temporary National Economic Committee, Monograph No. 35).  
Chapter 13, pages 121-143, is devoted to patent control in the food industries. Recommendations for revision of patent law and procedure are included.

260. HOLLABAUGH, MARCUS A. PATENTS AND ANTITRUST LAWS. *University of Cincinnati Law Review*, volume 25, Winter 1956, pages 43-68.  
The purpose of this paper is to explore certain of the basic causes of the controversy; to examine developments which tend to explain the nature of the patent-antitrust problem today; to indicate principles which might be useful in resolving certain patent-antitrust questions which might arise; and to discuss the current status of the "General Electric doctrine."
261. HOUSE, JOSEPH P., JR. THE PATENT AND ANTITRUST LAWS. *Wisconsin Law Review*, volume 1949, July 1949, pages 785-795.  
An attempt to clarify the fundamental concepts of Supreme Court decisions on the misuse of the patent right, and the extent to which such misuse may be in violation of antitrust laws.
262. HUGIN, ADOLPH CHARLES. INTELLECTUAL PROPERTY PROTECTION AND THE ANTITRUST LAWS. *Journal of the Patent Office Society*, volume 30, June-September, December 1948, pages 450-473, 513-530, 601-617, 654-684, 867-872.  
An extended discussion of the relationship between antitrust and patent laws. Author concludes there is no inherent conflict between the two, if properly understood.
263. KELLEHER, GRANT W. PRICE FIXING UNDER PATENT-LICENSE AGREEMENTS. *Montana Law Review*, volume 2, Spring 1942, pages 5-32.  
An article tracing the historical background of the court decision in *United States v. General Electric Co.*, decided in 1926, and relating this decision to the TNEC hearings and reports bearing on price fixing under patent-license agreements.
264. KIRSH, BENJAMIN S. PATENT POOLS AND CROSS-LICENSING AGREEMENTS. *Journal of the Patent Office Society*, volume 20, September 1938, pages 733-767.  
An extended discussion of the relationship between patent and antitrust legislation in practice.
265. LAMB, HORACE R. THE RELATION OF PATENT LAW TO THE FEDERAL ANTITRUST LAWS. *Cornell Law Quarterly*, volume 12, April 1927, pages 261-285.  
A discussion of the relationship between the Sherman Antitrust Act and patent law. Basic court decisions are considered.
266. LANGNER, LAWRENCE. WE DEPEND ON INVENTION; AN ANSWER TO THURMAN ARNOLD. *Atlantic Monthly*, volume 170, July 1942, pages 21-31. Reprinted in the *Journal of the Patent Office Society*, volume 24, August 1942, pages 545-564.  
A defense of the patent system by a patent lawyer and secretary of the National Inventors Council, Department of Commerce. (See also item No. 235.)
267. LEVINE, ROBERT. THE SHRUNKEN PATENT DOMAIN IN THE EXPANDED ANTITRUST UNIVERSE. *Journal of the Patent Office Society*, volume 34, June 1952, pages 436-447.  
A brief discussion of conflict between patent and antitrust law.
268. MCAULEY, JOHN J. THE PATENT MONOPOLY AND THE ANTITRUST LAWS. *Loyola Law Review*, volume 5, 1950, page 116-132.  
The author presents the case that the patent laws and the antitrust laws do not conflict.
269. MCCORMACK, ALFRED. RESTRICTIVE PATENT LICENSES AND RESTRAINT OF TRADE. *Columbia Law Review*, volume 31, May 1931, pages 743-777.  
A review of the efforts of the courts to define the rights secured by a patent, where the patentee by a conditional license imposes some economic restraint on his licensee. Author holds that clarification of basis court decisions is required.
270. MARCUS, PHILIP. PATENTS, ANTITRUST LAW, AND ANTITRUST JUDGMENTS THROUGH HARTFORD-EMPIRE. *Georgetown Law Journal*, volume 34, November 1945, pages 1-63.  
An extensive evaluation of the *Hartford-Empire* case. Detailed footnotes provide references to court cases, books, and articles.

271. MEYERS, ERNEST S., and SEYMOUR D. LEWIS. *THE PATENT "FRANCHISE" AND THE ANTITRUST LAWS.* Georgetown Law Journal, volume 30, December 1941 and January 1942, pages 117-148, 260-275.

An extensive review of numerous patent practices and their relationship to the antitrust laws. Favors qualified adoption of TNEC proposals on licensing of patents, limiting compulsory licensing to cases in which patents have been suppressed, monopolized, or abused in some fashion.

272. MONTAGUE, GILBERT H. *THE SHERMAN ANTITRUST ACT AND THE PATENT LAW.* Yale Law Journal, volume 21, April 1912, pages 443-469.

A significant early article presenting different views in the conflict of the patent system and the antitrust laws. Author concludes that the conflict between constitutional guaranties to the patentee and the prohibitions of the Sherman Act are irreconcilable, mutually inconsistent, and that the constitutional provision must have precedence.

273. MORISON, H. GRAHAM. *THE PATENT GRANT AND FREE ENTERPRISE: THE ABUSES OF PATENT MONOPOLIES.* American Bar Association Journal, volume 38, September 1952, pages 739-742, 797-799.

A statement of the patent philosophy of the Department of Justice in 1952.

274. OPPENHEIM, S. CHESTERFIELD. *PATENTS, THE MONOPOLY ISSUE AND THE WAR.* Confidential—from Washington, August 1942; reprinted in Journal of the Patent Office Society, volume 24, October 1942, pages 667-677.

A brief discussion of the role of patents in technology and the relationship between patents and monopoly. Author recommends that the patent bar take the initiative in making needed revisions of technical patent laws and procedures; that legislation be passed to fill gaps in existing laws affecting patents and strategic materials of defense and war; and more vigorous action by the Department of Justice to eliminate abuses of patent privileges used to throttle competition in markets and prices in violation of antitrust laws.

275. OPPENHEIM, S. CHESTERFIELD, and OTHERS. *THE IMPACT OF THE ANTITRUST LAWS ON PATENTS AND TRADEMARKS IN FOREIGN COMMERCE.* George Washington Law Review, volume 21, June 1953, pages 663-709.

A roundtable discussion on (1) trademarks, (2) restrictive agreements and ancillary patent rights, and (3) a philosophy of competition; followed by a general discussion. Primarily a discussion of legal patent problems relating to foreign commerce and antitrust laws. "Per se violation doctrine" versus the "rule of reason" was "perhaps the underlying theme." Participants included Walter J. Derenberg, Bartholomew A. Diggins, and Sigmund Timberg.

276. OPPENHEIM, S. CHESTERFIELD. *PATENTS AND ANTITRUST: PEACEFUL COEXISTENCE?* Michigan Law Review, volume 54, December 1955, pages 199-218.

The author discusses the increasing interactions of patent and antitrust policies, and concludes from his evaluation and study that patents and antitrust can lead a peaceful coexistence.

277. *PATENT ABUSES AND ANTITRUST: THE PER SE RULE.* Harvard Law Review, volume 64, February 1951, pages 626-633.

This note concludes that "business combination and restraints based on patent uses unsanctioned by patent laws and appreciably injuring the public seem to be well within current antitrust provisions without the employment of a special doctrine that all patent abuses are illegal, per se, under the antitrust laws."

278. *PATENT DEDICATION AS ANTITRUST REMEDY: NEW LIGHT ON HARTFORD-EMPIRE.* Yale Law Journal, volume 63, March 1954, pages 717-728.

Concludes that the royalty-free licensing decree in the *General Electric* (incandescent lamp) case is supported by prior cases and is justified in the light of the economic factors involved.

279. *THE PATENT MONOPOLY AND PATENT POOLS: THE END OF ONE AND THE BEGINNING OF THE OTHER.* Harvard Law Review, volume 45, November 1931, pages 150-156.

This article deals with the continued evolution of monopolies and the possible solutions which might be realized through stricter adherence to the antitrust laws. The author holds that future patent litigation will be concerned primarily with determining the rights of the patent pool rather than the rights of the patentee.

280. PATENT POOLING AND THE ANTITRUST LAWS. University of Chicago Law Review, volume 17, Winter 1950, pages 357-375.

Primarily a discussion of the 1948 Carboly case (*United States v. General Electric, Carboly, et al.*) and related court decisions. Concludes that, although by this decision the price-fixing powers of a patentee have been further restricted, the court has recognized that a patent represents only a limited grant of monopoly power in contrast to a horizontal merger or integration; consequently, in passing upon the legality of the latter, a patentee will be treated the same as a firm whose dominant position is not due to patents.

281. PATENT POOLING AND THE SHERMAN ACT. Columbia Law Review, volume 50, December 1950, pages 1113-1123.

Note concludes: "Restrictive licensing practices under patent pools do not appear to be justifiable, for the benefits of an interchange of patent rights may be secured, and the evils of patent litigation avoided, without recourse to such restraints of trade."

282. PATENTS AND MONOPOLY. A RADIO DISCUSSION BY EDWARD LEVI, CASPER OOMS, AND BERNARD THIESS. University of Chicago Round Table, August 5, 1945, No. 385, 18 pages.

A popular discussion of the relationship between patents and monopoly, including some discussion of how abuses can be corrected. Includes a brief bibliography.

283. THE PIT AND THE PATENTEE: TYING CLAUSES AS ANTITRUST VIOLATIONS PER SE. Yale Law Journal, volume 57, June 1948, pages 1298-1302.

A consideration of the case, *International Salt Co. v. United States*. Is critical of the decision on the ground that it renders the patentee more vulnerable to liability for antitrust violation than previously.

284. PODELL, DAVID L., and BENJAMIN S. KIRSH. PATENT POOLS AND THE ANTITRUST LAWS. American Bar Association Journal, volume 13, August 1927, pages 430-434, 476-478.

An analysis evaluating the confusion of terms, and the industrial and social values of patent interchange, the antitrust laws, and patent rights.

285. RICE, WILLIS B. DECAY OF OUR PATENT SYSTEM. Brooklyn Law Review, volume 5, May 1936, pages 357-388.

Holds that the patent system has been obstructing industrial development. Holds that it is necessary to outlaw, "as an abuse of the patent system, any combination of patents which is utilized to control an industry beyond the scope of the broadest patent."

286. RICH, GILES S. THE RELATION BETWEEN PATENT PRACTICES AND THE ANTIMONOPOLY LAWS. Journal of the Patent Office Society, volume 24, February-June 1942, pages 85-106, 159-181, 241-283, 328-356, 422-437.

A detailed study of the relationship of patent practices to antimonopoly laws.

287. SCHAIRER, OTTO S. THE PATENT PROBLEM FROM THE VIEWPOINT OF INDUSTRY. Journal of the Patent Office Society, volume 21, April 1939, pages 243-258.

A paper by a vice president, Radio Corporation of American, read at a roundtable conference of the National Industrial Conference Board, on January 19, 1939. Deals largely with patent pooling and licensing problems of corporations.

288. SCHUELLER, GEORGE H. THE NEW ANTITRUST ILLEGALITY PER SE: FORESTALLING AND PATENT MISUSE. Columbia Law Review, volume 50, February 1950, pages 170-200.

Includes a discussion (pp. 184-195) on misuse of patents contrary to the antitrust laws. Author concludes that the rationale of judicial holdings on patent misuse can be traced to the common-law prohibition of forestalling.

289. SPENCER, RICHARD. THINKING AHEAD: THREAT TO OUR PATENT SYSTEM. Harvard Business Review, volume 40, May-June 1956, pages 21-22, 24, 26, 28, 30, 32, 35, 166, 168.

An attack on present patent policy of the Government and courts, which, the author feels, is resulting in a slowing down in the rate of technological progress. He contends that our patent system is being emasculated, principally by means of antitrust laws.

290. STEDMAN, JOHN C. PATENT AND TRADEMARK RELIEF IN ANTITRUST JUDGMENTS. Federal Bar Journal, volume 10, July 1949, pages 260-274.

A review of antitrust decisions with provisions concerning patents.

291. ———. PATENTS AND THE ANTITRUST LAWS. *Journal of the Patent Office Society*, volume 21, January 1949, pages 14-32.  
A paper presented before the New Jersey Patent Law Association, October 21, 1948, analyzing the relationship between the patent laws and antitrust laws, with particular reference to recent court cases.
292. STEFFEN, ROSCOE. INVALID PATENTS AND PRICE CONTROL. *Yale Law Journal*, volume 56, November 1946, pages 1-25.  
The author concludes that the invalid patent has no warrant of any sort for its existence and, thus, the Government should retain the power to rid the economy of "a price-fixing monopoly based upon such a subterfuge."
293. STOCKING, GEORGE W., and MYRON W. WATKINS. MONOPOLY AND FREE ENTERPRISE. New York, Twentieth Century Fund, 1951, 596 pages.  
Chapter 14: Patents and Monopoly, pages 447-490, provides a well-rounded discussion of the subject, including suggestions for revision of patent law and procedures. This chapter, in almost identical form, was published under the title, "Patent Monopolies and Free Enterprise" in *Vanderbilt Law Review*, volume 3, June 1950, pages 729-765.
294. THOMAS, THOMAS A. THE PATENTEE'S DILEMMA—IS PRICE FIXING LEGAL? *Miami Law Quarterly*, volume 4, April 1950, pages 313-331.  
A historical survey of judicial interpretation of patent and antitrust legislation and their area of conflict. Holds that legislation is needed "to define the patent antitrust relationship with a reasonable degree of definitiveness."
295. TOULMIN, H. A., JR. PATENT POOLS AND CROSS-LICENSES. *Virginia Law Review*, volume 22, December 1935, pages 119-152.  
Author holds that the greatest advantage that can be secured from a patent under our present economic system is the use of it in connection with licenses and cross-licenses.
296. ———. A TREATISE ON THE ANTITRUST LAWS OF THE UNITED STATES AND INCLUDING ALL RELATED TRADE REGULATORY LAWS. Volume 4, Application to patents; patent pools; trademarks; copyrights. Cincinnati, W. H. Anderson Co., 1950; 881 pages. [See also 1956 supplement, 47 pages.]  
A detailed legal treatise on the relation of patents to antitrust legislation. Includes information on the evolution of patent law, the nature of the patent right, patents and the Congress, patent pools and misuse of patents. The author states that the volume "traces the increasing trend to not only restrict manufacturers operating under patents from using them to violate the antitrust laws, but for a much more significant restriction. \* \* \* Practically all of the essential rights of patents, for more than a century, have been wiped away in recent years."
297. U. S. CONGRESS. HOUSE. COMMITTEE ON PATENTS. POOLING OF PATENTS. Hearings on H. R. 4523, February 11-December 12, 1935. Washington, U. S. Government Printing Office, 1936, 3,887 pages in 4 parts.  
Extensive hearings under the chairmanship of Congressman William I. Sirovich on a bill providing for the recording of patent pooling agreements and contracts with the Commissioner of Patents. The last 2 of the 4 volumes include only supplementary material submitted by witnesses and others.
298. U. S. CONGRESS. SENATE. COMMITTEE ON PATENTS. FORFEITURE OF PATENT RIGHTS ON CONVICTION UNDER LAWS PROHIBITING MONOPOLY. Hearings on S. 2783, January 8-March 7, 1928. Washington, U. S. Government Printing Office, 1928, 197 pages in 3 parts.  
Testimony relating to a bill proposing forfeiture of patents in case of conviction for violating the antitrust laws. Includes much testimony on the radio industry and patents in that industry.
299. ———. SUITS FOR INFRINGEMENT OF PATENTS WHERE THE PATENTEE IS VIOLATING THE ANTITRUST LAWS. Hearings on S. 4442, May 14-23, 1930. Washington, U. S. Government Printing Office, 1930, 107 pages.  
A sequel to the hearings on a similar bill before the same committee in 1928.

300. U. S. LIBRARY OF CONGRESS. LEGISLATIVE REFERENCE SERVICE. RECORDATION OF PATENT AGREEMENTS—A LEGISLATIVE HISTORY. By Michael Daniels, Victor Edwards, Julius Allen. Study No. 9 of the Subcommittee on Patents, Trademarks, and Copyrights of the Senate Committee on the Judiciary. Washington, U. S. Government Printing Office, 1957, 27 pages: (85th Cong., 2d sess., Senate Committee print.)

A summary of proposals in Congress to require recordation of patent licenses and agreements, and international cartel agreements generally, including ITO proposals. Describes the bills introduced and includes significant testimony. Contains a brief bibliography.

301. VAUGHAN, FLOYD L. THE RELATION OF PATENTS TO INDUSTRIAL MONOPOLIES. *Annals of the American Academy of Political and Social Science*, volume 147, January 1930, pages 40-50. Reprinted in the *Journal of the Patent Office Society*, volume 14, January-February 1932, pages 61-66, 95-103.

An article stressing the evils resulting from illegal use of patent pools; based largely on the author's "Economics of Our Patent System" [item No. 85].

302. VOORHIS, JERRY. THE PATENT GRANT: REMEDIES TO PREVENT ITS MONOPOLISTIC ABUSE. *Vital Speeches of the Day*, volume 11, March 1, 1945, pages 315-317.

A speech, originally delivered before the House of Representatives, January 15, 1945, in favor of a bill intended to prevent the use of patents in restraint of trade and commerce.

303. WOOD, LAURENCE I. AGREEMENTS CONCERNING PATENT LICENSE RESTRICTIONS. *Illinois Law Review*, volume 37, January-February 1943, pages 350-358.

The author discusses the question: May a patentee lawfully agree with one licensee as to the price or production restrictions which the former will impose upon its other licensees?

304. ———. PATENT COMBINATIONS AND THE ANTITRUST LAWS. *George Washington Law Review*, volume 17, December 1948, pages 59-96.

The author attempts "to explore and delineate the tortuous line of legality which has evolved from the long running battle between the advocates of a strong patent policy \* \* \* and the advocates of a strong antitrust policy." He believes solution of the problem should "remain a function of the judicial process; of determining in each fact situation where the public good is served by a given practice."

305. ———. PATENT REFORM AND 1943: ANTITRUST OR ANTIPATENT LAW. *George Washington Law Review*, volume 11, June 1943, pages 473-480.

Urges that the revelation of patent abuses should not cause legislators to forget that patents perform a valuable function in the American economy.

306. ———. PATENTS AND ANTITRUST LAW. Chicago, Commerce Clearing House, Inc., 1942, 218 pages.

A well-documented treatise on the history, current development, and future outlook of the relationship between patents and antitrust legislation. Includes a 6-page bibliography.

307. WOOD, LAURENCE I., and VINCENT A. JOHNSON. PATENTS AND THE ANTITRUST LAWS. *University of Illinois Law Forum*, volume 1950, Winter 1950, pages 544-574.

A discussion of the relationship between patents and antitrust laws. The authors hold that public policy should attempt to ascribe "to the private rights the maximum measure consistent with their contribution to the public welfare."

308. ZLINKOFF, SERGEI S. MONOPOLY VERSUS COMPETITION: SIGNIFICANT TRENDS IN PATENT, ANTITRUST, TRADEMARK, AND UNFAIR COMPETITION SUITS. *Yale Law Journal*, volume 53, June 1944, pages 514-522.

Includes a discussion of major patent cases from 1935 to 1944.

B. COMPULSORY LICENSING OF PATENTS<sup>1</sup>

309. AMERICAN PATENT LAW ASSOCIATION. HOW THE STANLEY BILL (S. 3410) FOR COMPULSORY LICENSE OF PATENTS IMPERILS INVENTORS, MANUFACTURERS AND THE AMERICAN PATENT SYSTEM; TESTIMONY OF INVENTORS, MANUFACTURERS, PUBLICISTS AND SCIENTIFIC SOCIETIES WHO SUCCESSFULLY OPPOSED A SIMILAR COMPULSORY LICENSE MEASURE BEFORE THE HOUSE PATENT COMMITTEE IN 1912. Washington, American Patent Law Association, 1922, 99 pages.  
Consists primarily of excerpts of testimony against compulsory licensing given in the 1912 hearings on the Oldfield bill, H. R. 23417 (62d Cong.), [item No. 331 below].
310. REPORT OPPOSING THE MCFARLANE BILL (H. R. 9259) PROVIDING FOR COMPULSORY LICENSING OF LETTERS PATENT, TOGETHER WITH EXCERPTS FROM THE RECORD AGAINST PREVIOUS LEGISLATIVE PROPOSALS. Washington, American Patent Law Association, 1933, 141 pages.  
A strongly worded report against compulsory licensing in general and the McFarlane bill in particular.
311. APSEY, LAWRENCE S. COMPULSORY LICENSING OF PATENTS AS A REMEDY IN ANTITRUST SUITS. *New York Law Journal*, volume 115, April 25-26, 1946, pages 1608, 1626.  
The author is "concerned solely with the application of the principle of compulsory licensing as an aid to the dissolution of restraints and monopolies which a court has found to exist in violation of the Federal antitrust laws."
312. BARNETT, OTTO R. THE OLDFIELD BILL. *Yale Law Journal*, volume 22, March 1913, pages 383-397.  
An examination of the Oldfield bill, which proposed radical changes in the patent system. The author of this article expresses opposition to these changes.
313. REVISION OF OUR PATENT SYSTEM BY THE OLDFIELD BILL. *Illinois Law Review*, volume 8, February 1914, pages 427-441.  
This article gives particular attention to the much criticized *A. B. Dick* case and how the decision would be affected by the Oldfield bill (1913, 62d Congress).
314. BORKIN, JOSEPH. PATENT ABUSES, COMPULSION TO LICENSE AND REGENT DECISIONS. *Columbia Law Review*, volume 43, July 1943, pages 720-730.  
The development of the movement toward compulsory licensing as a means of eliminating patent abuses is traced up to 1942.
315. CANTOR, BERNARD J. EVOLUTION TOWARD COMPULSORY LICENSING? *Journal of the Patent Office Society*, volume 35, May 1953, pages 372-376.  
A brief examination of the trend toward compulsory licensing in the United States as exemplified in judicial decisions, government contracts, and the Atomic Energy Act of 1946.
316. CASTEL, J. G. RECENT TRENDS IN COMPULSORY LICENSING IN CASE OF NONUSE OF PATENTS: A COMPARATIVE ANALYSIS. *Journal of the Patent Office Society*, volume 36, May 1954, pages 330-340.  
A comparison of American, French, and British approaches to compulsory licensing. Provisions of the French decree of September 30, 1953, are viewed favorably.
317. COBURN, HAYWARD H. COMPULSORY LICENSING BY THE COURTS. *Journal of the Patent Office Society*, volume 28, March 1946, pages 180-192.  
Author, in an address before the Philadelphia Patent Law Association, holds that the principle of compulsory licensing by the courts, as announced in the *Hartford-Empire* case, should be supported by the patent bar.
318. COMPULSORY PATENT LICENSING BY ANTITRUST DECREE. *Yale Law Journal*, volume 56, November 1946, pages 77-126.  
Primarily a consideration of the *Hartford-Empire* case; maintains that the decree in this case gives the Department of Justice a powerful weapon to be used in future antitrust suits, both in cases involving patents and those that do not.

<sup>1</sup> See also: Part V, Patent Aspects of Atomic Energy Legislation.



319. FOLK, GEORGE E., and GEORGE H. HOUSTON. LIMITATION OF THE RIGHT TO LICENSE PATENTS, A DISCUSSION OF THE DEPARTMENT OF JUSTICE SUGGESTIONS RECOMMENDED BY THE TEMPORARY NATIONAL ECONOMIC COMMITTEE. New York, National Association of Manufacturers, 1939. 38 pages.

Opposes the adoption of the Department of Justice and TNEC recommendations for restricting the terms on which patentholders could license their patents.

320. FROST, GEORGE E. LEGAL INCIDENTS OF NONUSE OF PATENTED INVENTIONS RECONSIDERED. *George Washington Law Review*, volume 14, February and April 1946, pages 273-311, 435-459.

A well-documented treatise of the legal incidents of suppression of patented inventions, in the sense of nonuse, resulting from the method used in exploiting the patent. Includes a brief analysis of the British compulsory licensing statute.

321. HERZ, ARMIN. COMPULSORY LICENSING. *Journal of the Patent Office Society*, volume 28, December 1946, pages 889-902.

Author reviews the background of resistance to compulsory licensing of patents and also the experience in foreign countries under compulsory licensing laws. He concludes that Congress should enact a compulsory licensing statute, limited to granting such licenses only when necessary to insure that the constitutional purpose of promoting "the progress of science and useful arts," will be served.

322. HOAR, ROGER SHERMAN. PATENTS AND NATIONAL DEFENSE—EXCLUSIVE LICENSING IS AN INCENTIVE TO PRODUCTION. *Army Ordnance*, September-October 1946, pages 161-162.

A defense of the American patent system, pointing out how it was a major factor in winning the Second World War and how the granting of exclusive rights benefits the free enterprise system.

323. HOLT, EDWARD B. ECONOMIC STANDARDS APPLICABLE TO LIMITATIONS UPON COMPULSORY LICENSING BY JUDICIAL DECREE. *George Washington Law Review*, volume 19, March 1951, pages 400-422.

Economic standards are set forth as a guide for judicial compulsory licensing. Analysis concludes that the patent system is an integral part of the competitive economy and its evaluation must include economic as well as legal issues.

324. MOORE, CARLISLE M. A STUDY OF COMPULSORY LICENSING AND DEDICATION OF PATENTS AS RELIEF MEASURES IN ANTITRUST CASES. *George Washington Law Review*, volume 24, December 1955, pages 223-238.

Author concludes that "compulsory licensing with a provision for reasonable royalties is a remedy often used in antitrust cases which has clearly received the sanction of the Supreme Court," and that "the Supreme Court has not yet clearly ruled on whether compulsory royalty free licensing is a proper remedy or not in an antitrust case." Considers the views of the Attorney General's National Committee To Study the Antitrust Laws.

325. PATENTS—COMPULSORY LICENSING—DEDICATION TO THE PUBLIC. *Temple Law Quarterly*, volume 27, Spring 1954, pages 504-512.

Review of the patent decisions leading up to the *General Electric* (incandescent lamp) case, in which the author criticizes the decision as depriving the patentee of fundamental rights for the sake of momentary relief.

326. POWELL, THOMAS REED. THE EXCLUSIVE RIGHT OF THE PATENTEE—SHOULD THE RIGHT OR POWER TO EXCLUDE OTHERS BE DEPENDENT ON SALE OR LICENSING BY THE PATENTEE? *Harvard Law Review*, volume 58, May 1945, pages 726-738.

A brief survey of the various pro and con arguments regarding the rights of the patentee, with special reference to compulsory licensing.

327. REIK, RICHARD. COMPULSORY LICENSING OF PATENTS. *American Economic Review*, volume 36, December 1946, pages 811-832.

A comparative study of compulsory licensing legislation of various countries, arguments pro and con, and a brief discussion of patent pooling and cross-licensing.

328. SCHECHTER, FRANK I. WOULD COMPULSORY LICENSING OF PATENTS BE UNCONSTITUTIONAL? *Virginia Law Review*, volume 22, January 1936, pages 287-314.  
A survey of the background of the patent provisions of the U. S. Constitution and its subsequent interpretations. Author maintains that the constitutional provision was not intended to protect "nonuse" of patents, and holds that compulsory licensing would be constitutional in cases of unjustifiable and indefensible nonuse.
329. SEEGERT, NEAL. COMPULSORY LICENSING BY JUDICIAL ACTION: A REMEDY FOR MISUSE OF PATENTS. *Michigan Law Review*, volume 27, March 1949, pages 613-638.  
A survey of patent abuses and misuses, and of compulsory licensing as a remedy applied by the courts. Extensive footnote references to articles and court cases.
330. U. S. CONGRESS. HOUSE. COMMITTEE ON PATENTS. COMPULSORY LICENSING OF PATENTS. Hearings, March 21-31, 1938. Washington, U. S. Government Printing Office, 1938, 565 pages.  
Presents testimony for and against bills designed to set forth conditions under which compulsory licensing of patents shall be effected.
331. ———. OLDFIELD REVISION AND CODIFICATION OF THE PATENT STATUTES. Hearings Nos. 1-27, April 17-May 25, 1912. Washington, U. S. Government Printing Office, 1912. (Each part paged separately.)  
Up to that time, the most comprehensive congressional review of the patent system and patent policies ever undertaken. Much emphasis on proposals for compulsory licensing and arguments pro and con on the subject.
332. ———. OLDFIELD REVISION AND CODIFICATION OF THE PATENT LAWS. Hearing, May 27-September 4, 1914. Washington, U. S. Government Printing Office, 1914, 174 pages.  
A continuation of the 1912 Oldfield hearings; much testimony relates to the patents and patent practices of the United Shoe Machinery Co.
333. U. S. CONGRESS. SENATE. COMMITTEE ON PATENTS. REVISION OF STATUTES RELATING TO PATENTS. Hearings on S. 3325 and S. 3410, April 6-May 4, 1922. Washington, U. S. Government Printing Office, 1922, 302 pages.  
Hearings on bills providing for compulsory licensing of patents in case of nonuse. Contains much information on foreign holders of American patents.
334. WYSS, WALTHER E. and RICHARD R. BRAINARD. COMPULSORY LICENSING OF PATENTS. *George Washington Law Review*, volume 6, 1938, pages 499-520.  
A comparative study of compulsory licensing provisions in the law of Germany, England, and Canada; and proposals for such a law in the United States, with arguments for and against it.
- C. PATENT ASPECTS OF THE REPORT OF THE ATTORNEY GENERAL'S NATIONAL COMMITTEE TO STUDY THE ANTITRUST LAWS<sup>8</sup>
335. HANDLER, MILTON. AN EXAMINATION OF THE CHAPTER ON PATENT ANTITRUST PROBLEMS IN ATTORNEY GENERAL'S COMMITTEE REPORT. *Antitrust Bulletin*, volume 1, June 1955, pages 157-164.  
One of two addresses on patent aspects of the report of the Attorney General's National Committee To Study the Antitrust Laws, presented to the New York Patent Law Association, May 26, 1955. In general, a defense of the committee's report. By a member of the committee. (See also item No. 339.)
336. MALLEY, JOHN W. PATENT ANTITRUST PROBLEMS AND THE ATTORNEY GENERAL'S REPORT. *George Washington Law Review*, volume 24, October 1955, pages 20-33.  
Comments on the chapter on patents in the report of the Attorney General's National Committee To Study the Antitrust Laws, with particular reference to Patent Office issuance procedures, commercial use of patents, and infringement suits.

<sup>8</sup> See also: Part VII-B, Patents and antitrust, including patent pooling problems—compulsory licensing of patents.

337. U. S. ATTORNEY GENERAL'S NATIONAL COMMITTEE TO STUDY THE ANTITRUST LAWS. REPORT, MARCH 31, 1955. Washington, U. S. Government Printing Office, 1955, 393 pages.  
Chapter 5: Patent-Antitrust Problems, pages 223-260, deals with the following patent-antitrust problems: acquisition by grant, purchase, and grant-back; nonuse of patented inventions; patent licenses; and trademark antitrust problems. Extensive case citations. This chapter is reprinted in the Journal of the Patent Office Society, volume 37, May 1955, pages 331-380.
338. U. S. CONGRESS. HOUSE. COMMITTEE ON THE JUDICIARY. CURRENT ANTITRUST PROBLEMS. Hearings, May 10-June 17, 1955. Washington, U. S. Government Printing Office, 1955, 2,712 pages in 3 volumes.  
Deals largely with the Attorney General's National Committee To Study the Antitrust Laws. References to patents indicated by index in part 3 thereof.
339. WOOD, LAURENCE I. THE PROBLEM OF PATENT INTERCHANGE AND THE REPORT OF THE ATTORNEY GENERAL'S NATIONAL COMMITTEE. Antitrust Bulletin, volume 1, June 1955, pages 165-170.  
One of two addresses on patent aspects of the report of the Attorney General's National Committee To Study the Antitrust Laws, presented to the New York Patent Law Association, May 26, 1955. A description of provisions of the report by a member of the committee. (See also item No. 335.)

#### VIII. PATENT ACT OF 1952 \*

340. BECKETT, WILLIAM W. JUDICIAL CONSTRUCTION OF THE PATENT ACT OF 1952—CODIFICATION VERSUS SUBSTANTIVE CHANGE. Journal of the Patent Office Society, volume 37, July 1955, pages 467-485.  
Author concludes that while in general the act is considered to be primarily a codification of existing law, some sections do embody substantive changes.
341. CONTRIBUTORY INFRINGEMENT AND MISUSE—THE EFFECT OF SECTION 271 OF THE PATENT ACT OF 1952. Harvard Law Review, volume 66, February 1953, pages 909-918.  
A brief survey of the effect of section 271 on various restrictive licensing practices. The author concludes that the language of the section is sufficiently ambiguous that the Supreme Court interpretations will probably reflect its own attitude toward the patent system. In his view, this attitude in recent years has been to stress antitrust considerations at the expense of the patent system.
342. FEDERICO, P. J. COMMENTARY ON THE NEW PATENT ACT. USCA, volume 35, 1954, pages 1-70.  
Includes (1) a review of prior patent acts; (2) a history and general description of the new act; and comments on (3) the Patent Office, (4) the patentability of inventions and grant of patents, (5) the protection of patent rights, and (6) the application of the new law to prior patents.
343. TRANSITIONAL PROBLEMS OF THE NEW PATENT ACT. Journal of the Patent Office Society, volume 35, May 1953, pages 325-342.  
An evaluation of applicability of the Patent Act of 1952 to old and new patent applications, reissue applications, and unexpired patents granted prior to 1953.
344. GALSTON, CLARENCE G. INVENTION AND THE "OBVIOUS." Federal Rules Decisions, volume 13, 1953, pages 463-470.  
A review of patent cases and the Patent Act of 1952 as they relate to the question of patentability. The author feels that "tests of invention should be objective, and the presumption of validity should be not mythical, but real." He calls for further legislation embodying such tests.
345. HAMANN, H. F. THE NEW PATENT ACT AND THE PRESUMPTION OF VALIDITY. George Washington Law Review, volume 21, April 1953, pages 575-585.  
"If the courts are to carry out the congressional intent of the new Patent Act \* \* \* their previous attitudes toward the presumption of validity and the presumption of administrative correctness must be reappraised."

\* See also: Part III, Concept of Inventions and Their Patentability.

346. HARRIS, L. JAMES. SOME ASPECTS OF THE UNDERLYING LEGISLATIVE INTENT OF THE PATENT ACT OF 1952. *George Washington Law Review*, volume 23, June 1955, pages 658-699.  
An examination of several significant provisions of the 1952 Patent Act "to determine the underlying legislative intent and whether its interpreters have caught the spirit in which it was drafted."
347. KRASS, ALLEN M. TEST OF PATENTABILITY UNDER THE 1952 PATENT ACT. *Wayne Law Review*, volume 2, Spring 1956, pages 130-137.  
An evaluation of the 1955 decision by Judge Learned Hand in *Lyon v. Bausch & Lomb*, in which Judge Hand advances a position favoring liberal interpretation of the invention clause of the Patent Act of 1952.
348. LIBERT, DONALD J. SECTION 103 OF THE PATENT ACT AND THE STANDARD OF INVENTION: COMMENTS ON "LYON V. BAUSCH AND LOMB OPTICAL CO." *Georgetown Law Journal*, volume 44, November 1955, pages 100-119. Reprinted in the *Journal of the Patent Office Society*, volume 38, May 1956, pages 304-328.  
Reviews the decision in *Lyon v. Bausch and Lomb Optical Co.*, in the light of traditional "invention" tests; the supposedly higher standards set by the Supreme Court since 1925; the language and legislative history of section 103 of the 1952 act, and other court decisions since 1952. The author concludes that Congress intended the new provision as the sole test, independent of prior holdings, and that the *Lyon* case accurately interprets the section.
349. LUTZ, KARL B. THE NEW PATENT STATUTE: CONGRESS REVITALIZES THE PATENT SYSTEM. *American Bar Association Journal*, volume 39, March 1953, pages 209-212.  
An article in praise of the Patent Act of 1952, which revised and codified the Nation's patent laws. This article is the basis for the following article: Karl B. Lutz, "The New 1952 Patent Statute." *Journal of the Patent Office Society*, volume 35, March 1953, pages 155-162.
350. MARANS, HILLEL. SOME ASPECTS OF THE PATENT ACT OF 1952 AS INTERPRETED BY PUBLISHED DECISIONS. *Journal of the Patent Office Society*, volume 36, July 1954, pages 482-507. SOME ASPECTS OF THE PATENT ACT OF 1952 AS INTERPRETED BY RECENTLY PUBLISHED DECISIONS. *Journal of the Patent Office Society*, volume 37, September 1955, pages 660-673. [SAME TITLE.] *Journal of the Patent Office Society*, volume 39, March 1957, pages 177-191.  
These 3 articles, the latter 2 bringing the former up to date, cite extensively from court decisions interpreting provisions of the Patent Act of 1952.
351. MARTIN, J. V. THE PATENT CODIFICATION ACT. *Journal of the Patent Office Society*, volume 36, September 1954, pages 625-642.  
Description and legislative history of the Patent Act of 1952.
352. PATENT ACT OF 1952. *Journal of the Patent Office Society*, volume 34, August 1952, pages 545-683.  
The complete text of the Patent Act of 1952, with the report of the House Committee on the Judiciary on H. R. 7794, legislative history of the bill, and related additional material.
353. RICH, GILES S. INFRINGEMENT UNDER SECTION 271 OF THE PATENT ACT OF 1952. *George Washington Law Review*, volume 21, April 1953, pages 521-546.  
This article points out that, even though the patent is a necessary and valuable factor in our economic system, it is not to be used as an instrument of monopoly and to the detriment of our citizens. Section 271 introduces a new element of control in our patent legislation.
354. RIESENFIELD, STEFAN A. THE NEW UNITED STATES PATENT ACT IN THE LIGHT OF COMPARATIVE LAW. *University of Pennsylvania Law Review*, volume 102, January and April 1954, pages 291-322, 723-757. Reprinted in the *Journal of the Patent Office Society*, volume 36, June 1954, pages 406-446, and volume 37, October 1955, pages 700-743.  
Reassessment of the principal accomplishments of the Patent Act of 1952, and an attempt to take "stock of unfulfilled expectations and first signs of defects." The author regrets that the Act did not embody "even \* \* \* the very moderate proposals for compulsory licenses in the fields of public health and public safety advanced by the National Patent Planning Commission."

355. SCHRAMM, FREDERIC B. THE RELATIONSHIP OF THE PATENT ACT OF 1952 TO THE ANTITRUST LAWS. *George Washington Law Review*, volume 23, October 1954, pages 36-67.

The author concludes that the Patent Act of 1952 has tended to clarify the question of what inventions are patentable and valid, and to recognize the nature of the action for infringement. The act has also set forth within a narrow compass an area within which the patentee may be free from the charge of misuse or illegal extension of the patent right. No basic conflict is seen between the patent system and the antitrust laws, since a patent covers something which did not previously exist; therefore, enforcement of the patent, provided it is kept within its legal limits, does not adversely affect competition.

356. U. S. CONGRESS. HOUSE. COMMITTEE ON THE JUDICIARY. PROPOSED REVISION AND AMENDMENT OF THE PATENT LAWS; PRELIMINARY DRAFT WITH NOTES. Washington, U. S. Government Printing Office, 1950, 98 pages. (Committee print.)

A preliminary draft of a proposed bill for general revision and codification of the patent laws. Includes a table of patent laws from 1874 to 1949 as an appendix.

357. ———. PATENT LAW CODIFICATION AND REVISION. Hearings on H. R. 3760, June 13-15, 1951. Washington, U. S. Government Printing Office, 1951, 230 pages.

A consideration of proposed revisions to the patent provisions of the United States Code. Most testimony is favorable to revisions as proposed.

358. ———. REVISION OF TITLE 35, UNITED STATES CODE, "PATENTS." Report to accompany H. R. 7794, May 12, 1952. Washington, U. S. Government Printing Office, 1952, 72 pages (82d Cong., 2d sess., H. Rept. 1923).

An explanation of the changes proposed in the laws relating to patents and the Patent Office, as a part of a general revision of the United States Code. Bill enacted into law without further changes.

359. WIVIOTT, FRED. PATENT LAW—TEST OF INVENTION. *Wisconsin Law Review*, volume 1956, May 1956, pages 513-518. Reprinted in *Journal of the Patent Office Society*, volume 38, August 1956, pages 527-533.

Criticism of the decision in *Lyon v. Bausch & Lomb Optical Co.* The author examines the legislative history of the Patent Act of 1952, and concludes that it does not support Judge Hand's holding that section 103 of that act modified existing court tests of invention.

360. WOODCOCK, VIRGIL E. HIGHLIGHTS OF TITLE 35—THE NEW 1953 PATENT LAW. *Shingle* (Philadelphia Bar Association), volume 15, November 1952, pages 213-218. Reprinted in *Journal of the Bar Association of the District of Columbia*, volume 15, January 1953, pages 61-67.

In a discussion of the merits of the 1953 patent law, the author states that this act should clarify the confused state of the patent law.

#### IX. PATENT POLICIES IN FOREIGN COUNTRIES AND IN INTERNATIONAL AGREEMENTS <sup>10</sup>

361. THE ASSET VALUE OF AMERICAN INVENTIONS IN FOREIGN TRADE. *Journal of the Patent Office Society*, volume 16, July-August 1934, pages 578-588, 623-632.

This article is devoted largely to the protection of American inventions by patent laws abroad, and the effect of this protection on our foreign trade.

362. BLAKE, JOHN L. THE BRITISH PATENT SYSTEM. *Journal of the Patent Office Society*, volume 20, April 1938, pages 337-350.

A brief survey of the British patent system, comparing it with the American patent system.

363. BUSSE, RUDOLF. PROCEDURE AND PRACTICE IN THE GERMAN PATENT OFFICE. *Journal of the Patent Office Society*, volume 38, October 1956, pages 683-704.

A detailed presentation of current patent practice in Germany, based on the laws of July 18, 1953, by the Senatspräsident of the German Patent Office.

<sup>10</sup> See also: Part III, Concept of Inventions and Their Patentability; Part VI, Patent Policy on Government-Sponsored Research and Government-Owned Patents; Part VII-B, Patents and Antitrust, including Patent Pooling Problems—Compulsory Licensing of Patents; and Part X, Patents and International Cartels.

364. CASALONGA, ALAIN. FORFEITURE OF PATENTS FOR NONWORKING. *Journal of the Patent Office Society*, volume 33, October 1951, pages 714-728.

A review of the trend in various countries, mostly away from forfeiture of patents for nonworking.

365. CASTEL, J. G. RECENT TRENDS IN COMPULSORY LICENSING IN CASE OF NONUSE OF PATENTS: A COMPARATIVE ANALYSIS. *Journal of the Patent Office Society*, volume 36, May 1954, pages 330-340.

Compulsory licensing provisions in France and England are analyzed.

366. FEDERICO, P. J. RENEWAL FEES AND OTHER PATENT FEES IN FOREIGN COUNTRIES. *Journal of the Patent Office Society*, volume 36, November 1954, pages 827-861.

Survey of various patent fees in 23 countries. Includes proposals for renewal fees in the United States.

367. ———. TAXATION AND SURVIVAL OF PATENTS. *Journal of the Patent Office Society*, volume 19, September 1937, pages 671-691.

A paper presenting statistics on the operation of the system of annual fees or taxes on patents in England and Germany, with consideration of their possible application to the United States.

368. FOX, HAROLD G. ABUSE OF MONOPOLY. *Canadian Bar Review*, volume 23, May 1945, pages 353-379.

A discussion of remedies in Canadian law for abuses in patent litigation.

369. ———. PATENT LICENSING AND RESTRICTIVE COVENANTS, A COMPARATIVE VIEW. *Canadian Bar Review*, volume 23, October 1945, pages 601-624.

A comparison of Canadian, British, and United States law on the subject of restrictive covenants in patent licensing agreements.

370. ———. PATENTS IN RELATION TO MONOPOLY. *Canadian Journal of Economics and Political Science*, volume 12, August 1946, pages 328-342.

A defense of the patent system with particular reference to the Canadian Patent Act of 1935. This act, the author maintains, cannot be used to foster monopoly. The article is the basis of a reply by I. M. MacKeigan, "Notes on 'Patents' in relation to 'Monopoly,'" *Canadian Journal of Economics and Political Science*, volume 12, November 1946, pages 470-482, and a rejoinder by H. G. Fox, "Patents in relation to monopoly, a rejoinder," *Canadian Journal of Economics and Political Science*, volume 13, February 1947, pages 68-80.

371. GAYLOR, PETER J. POSSIBILITIES IN POSTWAR WORLD PATENT LAW UNIFICATION. *Journal of the Patent Office Society*, volume 26, August 1944, pages 507-541.

A detailed proposal for unifying numerous national patent laws and providing international registration. Many data on national patent systems are included.

372. GORDON, J. W. MONOPOLIES BY PATENTS AND THE STATUTABLE REMEDIES AVAILABLE TO THE PUBLIC. London, Stevens & Sons, Ltd., 1897, 300 pages.

One of the earliest treatises on the relationship between patents and monopoly; based on English law.

373. GREAT BRITAIN. BOARD OF TRADE. COMMITTEE ON PATENTS AND DESIGNS ACTS. FINAL REPORT OF THE DEPARTMENTAL COMMITTEE, SEPTEMBER 1947. (Cmd. 7206). London, H. M. Stationery Office, 1947, 84 pages.

Consists primarily of recommendations and essential correlative material for revision of the British Patents and Designs Act. The committee also issued 2 interim reports, one in April 1945 (Cmd. 6618) and one in April 1946 (Cmd. 6789).

374. GREENWALD, JOSEPH A. TECHNOLOGICAL DEVELOPMENT AND INTERNATIONAL PATENT PROBLEMS. *Department of State Bulletin*, volume 22, June 26, 1950, pages 1027-1032.

A discussion of the present international patent system, its inadequacies, and possible remedies.

375. HAMSON, C. J. PATENT RIGHTS FOR SCIENTIFIC DISCOVERIES. Indianapolis, Bobbs-Merrill Co., 1930, 286 pages.

A comprehensive study of various proposals for an international convention establishing patent rights of scientific discoveries.

376. HATFIELD, H. STAFFORD. THE INVENTOR AND HIS WORLD. London, Kegan Paul, Trench, Trubner & Co., Ltd., 1933, 269 pages.

Chapter XII, pages 230-254, considers the British system of "Patent law as it is and as it should be." Specific recommendations on protection of inventors' interests are made.

377. HAYNES, DELOS G. LETTER ON ADMINISTRATION OF FOREIGN PATENT OFFICES. *Journal of the Patent Office Society*, volume 19, October 1937, pages 707-726.

An outline of the results of a study of certain features of seven European patent offices operating under the examination system, as distinguished from the registration system. By a patent lawyer of St. Louis, Mo.

378. HOLTZOFF, ALEXANDER. ENEMY PATENTS IN THE UNITED STATES. *American Journal of International Law*, volume 26, 1932, pages 272-279.

A brief discussion of the effects and results, as far as patents are concerned, of the arbitration between the Central Powers and the United States arising out of the seizure by the United States of enemy-owned ships, patents, and radio stations during World War I.

379. LADAS, STEPHEN P. THE INTERNATIONAL PROTECTION OF INDUSTRIAL PROPERTY. Cambridge, Harvard University Press, 1930, 972 pages.

The major treatise in English on industrial property and its international protection. Section 2: The International Regime of Patents, pages 216-364, is particularly relevant. Has a detailed index and a bibliography.

380. MEINHARDT, PETER. INVENTIONS, PATENTS AND MONOPOLY. Second edition. London, Stevens & Sons, Ltd., 1950, 320 pages.

A useful book on British patents and patent policy. The three parts of the book indicate its scope: inventors and inventions, patent law and practice, and the abuse of patent monopoly. Includes a brief bibliography.

381. MOORE, NELSON. UNIVERSAL PATENTS. *George Washington University Law Review*, volume 15, April 1947, pages 313-325.

Presents the case for an international patent system.

382. NEUMEYER, FRIEDRICH. RESTRAINT OF TRADE BY PATENT LICENSES. *Journal of the Patent Office Society*, volume 20, July 1938, pages 571-592.

A comparison of the approaches to the problem of restraint of trade through patent licenses, taken by the governments of the United States, England, Germany, France, Switzerland, Sweden, Norway, and Austria.

383. PENROSE, EDITH T. ECONOMICS OF THE INTERNATIONAL PATENT SYSTEM. Baltimore, Johns Hopkins Press, 1951, 247 pages.

Contains an economic history and interpretation of the International Patent Convention and the international patent system, and an evaluation of the costs and gains of protecting patentees. Discusses compulsory licensing and international cartels. Contains a chapter on criticisms of the convention and economic principles of its reform. Includes an extensive bibliography of books, articles, and official documents.

384. SPENCER, RICHARD and LAURENCE I. WOOD. THE LEND-LEASE PROGRAM AND POSTWAR PATENT CLAIMS. *University of Pennsylvania Law Review*, volume 92, June 1944, pages 372-390.

The authors explain the possible patent claim problems that may arise from the many complex situations involved in lease-lend transfers abroad.

385. VAUGHAN, FLOYD L. IMPORTANT DIFFERENCES IN UNITED STATES AND UNITED KINGDOM PATENT SYSTEMS. *Journal of the Patent Office Society*, volume 33, November 1951, pages 779-799.

A comparison of the major elements in patent law and administration in the two countries.

386. VERNON, RAYMOND. THE INTERNATIONAL PATENT SYSTEM AND FOREIGN POLICY. Study No. 5 of the Subcommittee on Patents, Trademarks, and Copyrights of the Senate Committee on the Judiciary, Washington, U. S. Government Printing Office, 1957, 52 pages (85th Cong., 1st sess., S. Doc. No. 63).

A study of international patenting and the economic effects of this practice upon international trade, foreign investment, technological exchange and development, and its relation to restrictive business practices. The author points out the need for further inquiry and suggests possible revisions and extensions of the International Convention for the Protection of Industrial Property to bring it more in line with modern needs and conditions.

387. VOJACEK, JAN. A SURVEY OF THE PRINCIPAL NATIONAL PATENT SYSTEMS. New York, Prentice-Hall, 1936, 209 pages.

A comparative and historical survey of patent policy and procedures in major countries of the world.

388. VON GEHR, GEORGE. A SURVEY OF THE PRINCIPAL NATIONAL PATENT SYSTEMS FROM THE HISTORICAL AND COMPARATIVE POINTS OF VIEW. *John Marshall Law Quarterly*, volume 1, March-June 1936, pages 110-158, 334-400.  
An extended examination of the principal national patent systems, particularly those of Great Britain, Germany, and France, including comparisons with the United States patent system.
389. WHITE, WILLIAM WALLACE, and BYFLEET G. RAVENSCROFT. PATENTS THROUGHOUT THE WORLD. Second edition, New York, Trade Activities, Inc., 1944, 417 pages.  
A looseleaf volume containing a digest of patent laws in virtually all countries of the world.
390. WOODHAMS, ROBERT E. A COMPARATIVE STUDY OF PATENT LAWS IN THE AMERICAS AND INTERNATIONAL EFFECTS THEREOF. *Journal of the Patent Office Society*, volume 31, October 1949, pages 726-742.  
A brief summary of basic features of patent laws within Latin America and in the United States.

#### X. PATENTS AND INTERNATIONAL CARTELS <sup>11</sup>

391. BERGE, WENDELL. CARTELS, CHALLENGE TO A FREE WORLD. Washington, Public Affairs Press, 1944, 266 pages.  
Chapter 4: Patents (pp. 36-51), discusses the role of patent agreements as a basis for cartel arrangements.
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